

## SENATE—Wednesday, October 20, 1982

MESSAGES FROM THE HOUSE  
RECEIVED DURING THE AD-  
JOURNMENT

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on October 4, 1982, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the report of the committee of conference of the disagreeing votes of the two Houses on the amendments of the House to the following bills:

S. 734. An act to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally; and

S. 1018. An act to protect and conserve fish and wildlife resources, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2457) to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1540. An act to revise the boundaries of the Saratoga National Historical Park in the State of New York, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 2420) to protect victims of crime.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. RODINO, Mr. HUGHES, Mr. KASTENMEIER, Mr. GLICKMAN, Mr. SAWYER, Mr. FISH, Mr. KINDNESS, and Mr. HYDE as managers of the conference on the part of the House.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1371) to amend section 12 of the Contract Disputes Act of 1978.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R.

3467) to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3787) to amend sections 10 and 11 of the act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore," and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4441) to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes.

The message also announced that the House has passed the following bill and joint resolutions, without amendment:

S. 2146. An act to extend the lease terms of Federal oil and gas leases, W66245, W66246, W66247, and W66250;

S.J. Res. 249. Joint resolution to provide for the designation of the month of October 1982, as "National Spinal Cord Injury Month";

S.J. Res. 257. Joint resolution to designate the month of November 1982, as "National Diabetes Month";

S.J. Res. 261. Joint resolution to designate "National Housing Week"; and

S.J. Res. 262. Joint resolution to designate the month of November 1982 as "National Christmas Seal Month."

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 127. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 2036.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5826. An act to provide for the reinstatement and validation of U.S. oil and gas lease numbered W-24153;

H.R. 6612. An act to provide for the settlement of land claims of the Mashantucket Pequot Indian Tribe of Connecticut, and for other purposes;

H.R. 6655. An act to authorize the Secretary of the Interior to offer to sell exclusively to small business concerns not less than 30 percentum of the quantity of salvage timber which is harvested from land managed by the Bureau of Land Management and offered for sale in any fiscal year, and for other purposes; and

H.R. 6882. An act to revise the boundaries of the Cumberland Island National Seashore and to provide compensation for certain facilities on the seashore.

ENROLLED BILLS AND JOINT RESOLUTIONS  
SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 2252. An act to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes;

S. 2375. An act to extend the expiration date of the Defense Production Act of 1950;

S. 2436. An act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes;

H.R. 684. An act for the relief of Ok-Boon Kang;

H.R. 825. An act for relief of Yick Bong Au Yeung;

H.R. 1281. An act to provide for the conveyance of certain lands in Alaska comprising trade and trade manufacturing site A-056802 without regard to the 80-rod limitation provided by existing law;

H.R. 1481. An act for the relief of George Herbert Wesson;

H.R. 1783. An act for the relief of Felipe B. Manala and Maria Monita A. Manalo;

H.R. 1841. An act for the relief of Isabelita Clima Portilla;

H.R. 3171. An act for the relief of Dr. David Pass;

H.R. 3278. An act to amend title 10, United States Code, to provide additional standards for determining the amount of space to be programed for military retirees and their dependents in medical facilities of the uniformed services, and for other purposes;

H.R. 3451. An act for the relief of Danuta Gworzdz;

H.R. 3467. An act to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes;

H.R. 4476. An act to amend the Administrative Conference Act, by authorizing appropriations therefor;

H.R. 4490. An act for the relief of Lehi L. Pitchford, Jr.;

H.R. 6164. An act to authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment To Be Used for Such Carriage (ATP), and for other purposes;

H.R. 6188. An act to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes;

H.R. 6276. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of revenue bonds to finance college and university programs which provide student educational loans;

H.R. 6968. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes;

H.R. 6976. An act to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain de-

ceased individuals and in the location of missing persons (including unemancipated individuals);

S.J. Res. 239. Joint resolution designating October 16, 1982, as "National Newspaper Carriers Appreciation Day";

S.J. Res. 241. Joint resolution to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week";

H.J. Res. 486. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 3, 1982, through October 9, 1982, as "National Schoolbus Safety Week of 1982";

H.J. Res. 568. Joint resolution to provide for the designation of October 5, 1982, as "Dr. Robert H. Goddard Day";

H.J. Res. 588. Joint resolution to provide for the designation of the month of October 1982, as "Head Start Awareness Month"; and

H.J. Res. 612. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

Under the authority of the order of the Senate of October 2, 1982, the enrolled bills and joint resolutions were signed by the President pro tempore (Mr. THURMOND) on October 4, 1982, during the adjournment of the Senate.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on October 5, 1982, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker had signed the following bills and joint resolution:

S. 478. An act to provide for the partitioning of certain restricted Indian land in the State of Kansas;

S. 734. An act to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally;

S. 1573. An act to exempt the Lake Oswego, Oregon, hydroelectric facility from part I of the Federal Power Act (act of June 10, 1920) as amended, and for other purposes;

S. 1872. An act to provide for a study of grazing phaseout at Capitol Reef National Park, and for other purposes;

S. 2036. An act to provide for a job training program and for other purposes;

S. 2386. An act to require the Director of the Office of Management and Budget to prepare an annual report consolidating the available data on the geographic distribution of Federal funds, and for other purposes;

S. 2457. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia;

S. 2574. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 1371. An act to amend section 12 of the Contract Disputes Act of 1978;

H.R. 1486. An act to establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington;

H.R. 1326. An act for the relief of Shinji Oniki;

H.R. 2193. An act for the relief of Berendina Antonia Maria van Kleeff;

H.R. 2340. An act for the relief of Theodore Anthony Dominguez;

H.R. 2528. An act to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes;

H.R. 4468. An act to amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the U.S. Secret Service;

H.R. 4662. An act for the relief of Eun Ok Han;

H.R. 5658. An act to authorize the use of education block grant funds to teach the principles of citizenship;

H.R. 5890. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

H.R. 5941. An act to designate the building known as the Federal Building and U.S. Courthouse in Greenville, S.C., as the "Clement F. Haynesworth, Jr., Federal Building," the building known as the Quincy Post Office in Quincy, Mass., as the "James A. Burke Post Office," and the U.S. Post Office Building in Portsmouth, Ohio, as the "William H. Harsha U.S. Post Office Building";

H.R. 6156. An act to clarify the jurisdiction of the Securities and Exchange Commission and the definition of security, and for other purposes;

H.R. 6273. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes;

H.R. 6811. An act for the relief of Alejo White and Sonia White;

H.R. 7115. An act to authorize the transfer of nine naval vessels to certain foreign governments; and

S.J. Res. 113. Joint resolution to designate the week beginning November 28 through December 4, 1982, as "National Home Health Care Week."

Under the authority of the order of the Senate of October 2, 1982, the enrolled bills and joint resolution were signed by the President pro tempore (Mr. THURMOND) on October 5, 1982, during the adjournment of the Senate.

#### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on October 5, 1982, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

S. 1210. An act to authorize appropriations for the operations of the Office of Environmental Quality and the Council on Environmental Quality during fiscal years 1982, 1983, and 1984, and withdraw certain lands within the Mount Baker-Snoqualmie National Forest from leasing under mineral and geothermal leasing laws;

H.R. 5228. An act to amend title 18 of the United States Code to implement the Con-

vention on the Physical Protection of Nuclear Material, and for other purposes;

H.R. 5662. An act to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956; and

H.R. 6865. An act to amend the Perishable Agricultural Commodities Act, 1930, to require the Secretary of Agriculture to accept the payment of monetary penalties for certain admitted and infrequent violations involving misrepresentation under such act, and for other purposes.

Under the authority of the order of the Senate of October 2, 1982, the enrolled bills were signed by the President pro tempore (Mr. THURMOND) on October 6, 1982, during the adjournment of the Senate.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate on October 12, 1982, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills and joint resolutions:

S. 1018. An act to protect and conserve fish and wildlife resources, and for other purposes;

S. 1698. An act to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. citizens;

S. 2146. An act to extend the lease terms of Federal oil and gas leases W66245, W66246, W66247, and W66250;

S. 2420. An act to provide additional protections and assistance to victims and witnesses in Federal cases;

S. 2577. An act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1983 and 1984, and for other purposes;

H.R. 828. An act for the relief of George G. Barrios, doctor of medicine, his wife Olga T. Cruz, and their children Kurt F. Barrios, Karl S. Barrios, and Katrina Adelaida Theresa;

H.R. 2342. An act for the relief of Maria Cecelia Gabella-Ossa;

H.R. 3592. An act for the relief of Ulli Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaissane Tuifua, and Ofa Hemooni Tuifua;

H.R. 3787. An act to amend sections 10 and 11 of the Act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes";

H.R. 4441. An act to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes;

H.R. 4613. An act to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States;

H.R. 4717. An act to reduce the amount of LIFO recapture in the case of certain plans of liquidation adopted during 1982, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and for other purposes;

H.R. 4828. An act to set aside certain surplus vessels for use in the provision of

health and other humanitarian services to developing countries;

H.R. 5139. An act to authorize appropriations for certain insular areas of the United States, and for other purposes;

H.R. 5145. An act to amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes;

H.R. 5879. An act to amend chapter 2 of title IV of the Immigration and Nationality Act to extend for 1 year the authorization of appropriations for refugee assistance, and for other purposes;

H.R. 6029. An act to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana;

H.R. 6055. An act to revise subchapter S of the Internal Revenue Code of 1954 (relating to small business corporations);

H.R. 6142. An act to authorize the Commodity Credit Corporation to process its accumulated stocks of agricultural commodities into liquid fuels and agricultural commodity byproducts, and for the disposition thereof, and for other purposes;

H.R. 6170. An act to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals;

H.R. 6267. An act to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and insuring the availability of mortgage loans;

H.R. 7292. An act to establish a White House Conference on Productivity;

H.R. 7293. An act to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center and Wolf Trap Farm Park, and for other purposes;

S.J. Res. 249. Joint resolution to provide for the designation of the month of October 1982, as "National Spinal Cord Injury Month";

S.J. Res. 257. Joint resolution to designate the month of November 1982, as "National Diabetes Month";

S.J. Res. 261. Joint resolution to designate "National Housing Week"; and

S.J. Res. 262. Joint resolution to designate the month of November 1982 as "National Christmas Seal Month."

Under the authority of the order of the Senate of October 2, 1982, the enrolled bills and joint resolutions were signed on October 12, 1982 by the President pro tempore (Mr. THURMOND) during the adjournment of the Senate.

#### HOUSE BILLS REFERRED

Under the authority of the order of the Senate of October 2, 1982, the following bills were read twice and referred to the Committee on Energy and Natural Resources.

H.R. 6655. An act to authorize the Secretary of the Interior to offer to sell exclusively to small business concerns not less than 30 percentum of the quantity of salvage timber which is harvested from land managed by the Bureau of Land Management

and offered for sale in any fiscal year, and for other purposes; and

H.R. 6882. An act to revise the boundaries of the Cumberland Island National Seashore and to provide compensation for certain facilities on the seashore.

#### HOUSE BILLS PLACED ON THE CALENDAR

Under the authority of the order of the Senate of October 2, 1982, the following bills were read twice and placed on the calendar:

H.R. 5826. An act to provide for the reinstatement and validation of United States oil and gas lease numbered W-24153; and

H.R. 6612. An act to provide for the settlement of land claims of the Mashantucket Pequot Indian Tribe of Connecticut, and for other purposes.

#### ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills and joint resolutions: On October 4, 1982:

S. 188. An act to authorize the Secretary of Agriculture to convey certain lands in the Gallatin National Forest, and for other purposes;

S. 1777. An act relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine;

S. 2252. An act to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes;

S. 2375. An act to extend the expiration date of the Defense Production Act of 1950;

S. 2436. An act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes;

S. 2586. An act to authorize certain construction at military installations for fiscal year 1983, and for other purposes;

S. 2874. An act to amend the act of March 16, 1934, as amended, to credit entrance fees for the migratory-bird hunting and conservation stamp contest to the account which pays for the administration of the contest;

S.J. Res. 197. Joint resolution to provide for the designation of the week October 17 through October 23, 1982, as "Myasthenia Gravis Awareness Week";

S.J. Res. 235. Joint resolution to proclaim March 21, 1983, as "National Agriculture Day";

S.J. Res. 239. Joint resolution designating October 16, 1982, as "National Newspaper Carriers Appreciation Day"; and

S.J. Res. 241. Joint resolution to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week".

On October 5, 1982:

S. 478. An act to provide for the partitioning of certain restricted Indian land in the State of Kansas;

S. 734. An act to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally;

S. 1573. An act to exempt the Lake Oswego, Oregon, hydroelectric facility from part I of the Federal Power Act (Act of

June 10, 1920) as amended, and for other purposes;

S. 1872. An act to provide for a study of grazing phaseout at Capital Reef National Park, and for other purposes;

S. 2036. An act to provide for a job training program and for other purposes;

S. 2386. An act to require the Director of the Office of Management and Budget to prepare an annual report consolidating the available data on the geographic distribution of Federal funds, and for other purposes;

S. 2457. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia;

S. 2574. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; and

S.J. Res. 113. Joint resolution to designate the week beginning November 28 through December 4, 1982, as "National Home Health Care Week."

On October 6, 1982:

S. 1210. An act to authorize appropriations for the operations of the Office of Environmental Quality and the Council on Environmental Quality during fiscal years 1982, 1983, and 1984, and withdrawal certain lands within the Mount Baker-Snoqualmie National Forest from leasing under mineral and geothermal leasing laws.

On October 12, 1982:

S. 1018. An act to protect and conserve fish and wildlife resources, and for other purposes;

S. 1698. An act to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. citizens;

S. 216. An act to extend the lease terms of Federal oil and gas leases, W66245, W66246, W66247, and W66250;

S. 2420. An act to provide additional protections and assistance to victims and witnesses in Federal cases;

S. 2577. An act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1983 and 1984, and for other purposes;

S.J. Res. 249. Joint resolution to provide for the designation of the month of October 1982, as "National Spinal Cord Injury Month";

S.J. Res. 257. Joint resolution to designate the month of November 1982, as "National Diabetes Month";

S.J. Res. 261. Joint resolution to designate "National Housing Week"; and

S.J. Res. 262. Joint resolution to designate the month of November 1982 as "National Christmas Seal Month."

#### ADDITIONAL STATEMENTS

##### NATURAL GAS POLICY ISSUES

● Mr. BAKER. Mr. President, our colleague from Oregon, Senator HATFIELD, spoke recently to the Pacific Coast Gas Association. His remarks focused on important policy issues involving natural gas.

I should add, Mr. President, that addressing such difficult energy issues is nothing new to MARK HATFIELD. Long

before the American public ever heard of the phrase "energy crisis," he was working on energy issues as a member of the Senate Interior Committee—as it was called then. As the current ranking Republican member of the Senate Energy Committee, his comments offer us useful insights into resolving energy issues facing our country.

Mr. President, I submit for the RECORD the remarks of Senator HATFIELD to the Pacific Coast Gas Association on September 8, 1982.

The remarks follow:

KEYNOTE ADDRESS TO THE 89TH ANNUAL BUSINESS MEETING OF THE PACIFIC COAST GAS ASSOCIATION, PORTLAND, OREG., SEPTEMBER 8, 1982

Let me put the energy picture into a global political context for a moment with you this morning, because I think so often as we talk about the subject of energy in this country we tend to get a little provincial.

We tend to think of our own geographic marketing areas, when actually we are really discussing our concerns with an issue that is global in its character and its magnitude.

As you know we have a very fragile area in the world today known as the Middle East, sometimes referred to as the "horn of plenty" as it relates to sources of energy. With all of the activity that has occurred there, even subsequent to the Arab boycott, we still find our dependency on imported oil at a 33% level. This is really a very remarkable dependency level for any commodity, particularly energy.

In the last thirty five years we have seen four wars between Israel and the Arab Nations. We have seen continuous rebellion in countries like Iran and Iraq; skirmishes between Kuwait and Iraq; political assassinations and coups in Iran, Iraq, Syria, Saudi Arabia, Egypt, and Yemen; and of course Israeli bombing raids and Palestinian acts of terrorism. All of this is representative of the kind of fragile, geopolitical situation from which we draw some 33% of our energy requirements. Oil has turned into a political weapon aimed at both the industrialized and developing parts of the world.

The message from the middle eastern kingdoms that possess this oil supply is simply, access to our oil is related to your conduct in foreign relations and your domestic policies, we remain in this vulnerable situation. The recent OPEC action in curtailing production is a reminder of this fact.

Ironically, U.S. energy policy neglects the haunting possibility of yet another oil import interruption which could occur at any time. I believe that before we can develop a blueprint to reduce our vulnerability to possible oil embargos, or even remove this vulnerability entirely, we must recognize where we as a nation have gone and in what direction we have been tending over the last thirty years.

Before the boycott, we had about a 40% dependency on Arab oil. This has been reduced, but not measurably. During that boycott almost 10 years ago, the United States suffered a loss in GNP of 3% in 1974, compared to an increase of 11% in 1975. Our rate of inflation nearly doubled in that year, to more than 12%. The impact abroad was even more marked than our own. Japan, almost 100% dependent on foreign crude, experienced an inflation rate of over 24%.

Since that time we have enacted a host of bills. Have they secured us any more energy to meet our requirements than before? The answer has to be "no" they have not, despite all of the efforts of presidential administrations and the Congress.

Let us recognize too that there are military implications as well in the Middle East. We had a Secretary of State by the name of Kissinger, we had a Secretary of Defense by the name of Brown, and we have a Secretary of Defense by the name of Weinberger. All of these men have publicly indicated that it would be possible that the United States would have to employ military action to secure our oil supply if we are confronted with the threat to that supply coming from the Middle East. Furthermore, each of the three have indicated the possibility of using nuclear weapons in order to secure that oil supply.

My friends, we are living on the abyss of a possible nuclear holocaust. It is total mythology to believe that you can initiate the use of nuclear weaponry and end it without escalating into a total war, resulting in the annihilation of all life—plant, insect and human on this globe.

Yet the current administration comes into office with a request to dismantle the only agency of government that is the advocate of energy supply and energy alternatives, the Department of Energy. Of course all of us would have to admit that bureaucracy has become a source of great concern, no matter what the department. However, you don't abolish the Department of Energy at a time when you have a dependency upon imported petroleum at the rate we now import our petroleum.

It is very interesting to note that this administration has also reduced the federal resources required to encourage and maintain conservation programs. It has reduced expenditures attendant to the development of coal and solar energy as alternative energy resources, as well as spending on non-renewable resources.

Energy experts concede that conservation actions taken by individual consumers will easily out-produce any other central agency or central energy supply in this nation. Between 1973 and 1978 twice as much energy was produced through conservation than will be produced by synthetic fuels in 1985. Moreover, 97% of U.S. economic growth during this same five year period was fueled by energy savings, and only 3% by new energy supplies.

There are other conventional sources of energy that have their troubles today as well. Nuclear energy is one example. This costly and environmentally suspect energy source has proven to be an albatross to many utility companies. The termination of WPPSS plants 4 and 5, with severe repercussions to Northwest ratepayers, is clearly the result of bad energy planning and cost overruns. Just two weeks ago, the Tennessee Valley Authority Board of Directors voted to terminate five nuclear plants.

Coal, this nation's most plentiful resource, has recently suffered production and distribution difficulties. The enormously "soft" international market for coal has thrown a number of aggressive marketing plans on back burners.

Now having enunciated the gloomy information, let me give you the good news. That is—there is an energy source that holds promise for our nation's future—natural gas. Currently, natural gas supplies 40 million American homes with heat. It provides industry and farms with nearly half of their

energy needs. Overall, this clean burning fuel accounts for 27 percent of our nation's energy diet.

In recent years, Congress had taken a number of actions effecting natural gas production and regulation. In 1978, the Natural Gas Policy Act was passed. Under this new pricing system, Congress called for the gradual lifting of a quarter century of natural gas price controls. By 1985 this complex system will see controls lifted from approximately 60 percent of the domestic supply. Remaining "old" gas will stay under controls until the supply is exhausted. The law was designed to phase out price controls on "new gas" gradually between 1978 and 1985, so the overall effect at the end would serve as a ramp rather than the face of a cliff.

This phasing, however, was based on assumptions about the market equivalent price of oil in 1985 at \$15 per barrel, far below the current \$34 per barrel. The result is an unrealistic phasing schedule that serves to keep natural gas at half to a third less expensive than fuel oil for the residential user. This unrealistic phasing schedule, coupled with the complexity of the pricing schedules, has sparked interest in both Congress and the Administration to speed up decontrol. The Administration was expected to present a revised deregulation package to Congress this year, but withdrew after encountering opposition from the consumer and industry associations. This matter is certain to come before Congress during the next session.

Then we had the Alaskan Natural Gas Transportation System, which has also occupied a great deal of the congressional agenda of late. The 1968 Prudhoe Bay oil and gas discovery necessitated the construction of a pipeline, as you are all aware. In 1976, the Congress enacted legislation authorizing the pipeline. In 1977 President Carter selected the Alcan route for that pipeline. In order to begin construction, sponsors established financing mechanisms. In order to effectuate these financial agreements reached by the cosponsors, and to seek changes in President Carter's 1977 decision, President Reagan submitted to Congress a "waiver" package in 1981. The "waiver" allowed the President to waive any provisions of the Act in order to expedite completion of the project. Congress subsequently approved the waiver package and cleared the way for the final construction of the project. However, depressed gas prices, coupled with the sponsor's inability to further finance the project, has resulted in a two year construction moratorium. Conservation and consumer groups question the need for this legislation. However, I would say to them and other opponents, that adequate safeguards were imposed by the Congress to protect the environment and hold prices at reasonable levels for both the consumer and for the producer.

I believe the U.S. must strive to develop readily available energy resources in order to counter the possibility of energy supply cut-offs from unstable regions of the world. Natural gas supplies many industrial and residential consumers in the Northwest. This clean burning and efficient fuel is plentiful and cost competitive. Currently, natural gas is available to 76 percent of the Oregon population. Natural gas companies in the Northwest are developing new uses for natural gas, as well as encouraging energy conservation.

Let me tell you about one of the exciting developments to come out of our own region. In Northeast Portland, a laundry is testing Oregon's first natural gas fuel cell.

This device generates electricity and heat from natural gas and air. This is part of the first commercial test of a natural gas fuel cell in the United States. We are very proud of this kind of pioneering.

New pools of natural gas have been discovered in Oregon near Mist, and in Washington near Yakima.

So let me say in summary to you who represent the energy source that holds the greatest hope of reducing our over dependency upon imported petroleum, I believe the use of natural gas will play a vital role in the future peace of the world. This is not simply an energy question. When Democrat and Republican Administrations alike will publically declare that they believe that military force can secure 4,000 miles of pipeline and 400 pumping stations, there is a risk of nuclear war that I am not willing to abide. I respond to some of my friends who say, "we can only answer our energy problems by reduced consumption" by saying "yes I agree—reduce consumption through conservation, but we must realistically seek to reduce consumption of those sources that bring us close to war."

So this is a matter of geopolitics; it's a matter of war and peace. My view is that natural gas holds one of the vital keys to the path that leads to peace, rather than the dependency upon imported oil that can lead us to war.●

#### PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENTS

● Mr. HUDDLESTON. Mr. President, I am pleased that the Senate has passed H.R. 6865, which amends the enforcement provisions of the Perishable Agricultural Commodities Act in two ways.

The legislation provides for the assessment of a civil penalty for violations of the act in lieu of a more stringent penalty if there are misrepresentations resulting from errors in making, stenciling, or labeling, so long as such violations are not repeated or flagrant.

This change is needed to address the problem of a firm using modern and speedy methods of packaging. Such a firm can accumulate many minor but sanctionable violations within a relatively short period of time, without any intention to any misrepresentation.

It is my understanding that this amendment simply conforms the law to the practice currently being followed by the U.S. Department of Agriculture. An unwitting violator can choose to accept a penalty when the violations are not considered serious enough to warrant a revocation of license proceeding.

The second change to the act accomplished by this legislation is the establishment of a bonding requirement for U.S. citizens acting in behalf of a foreign claimant under the act. H.R. 6865 would close a loophole in current law that permits a nonresident to avoid the bonding requirements of the act by assigning claims to U.S. residents. H.R. 6865 would require the U.S. resi-

dent, to whom the claim has been assigned, to post a bond.

The purpose of the bond is to provide for possible payment of attorney fees, court costs, and any award on a counterclaim should the respondent prevail in the reparation proceedings.

This legislation will improve the administration of the Perishable Agricultural Commodities Act and bring the act into conformity with current trading practices of the product industry.●

#### NUCLEAR TESTING ISSUES

● Mr. PRESSLER. Mr. President, as chairman of the Arms Control Subcommittee of the Senate Foreign Relations Committee, I have intensely followed the debate concerning our ability to monitor underground nuclear weapons tests in the Soviet Union. Last May, in an article for the Washington Post, I offered my endorsement of the Threshold Test Ban (TTB) and Peaceful Nuclear Explosions (PNE) Treaties. These treaties were negotiated and signed between 1974 and 1976 by Presidents Nixon and Ford.

These accords place a cap on nuclear explosions at the level of 150 kilotons. I continue to support ratification of these accords because they set new standards for the verification of arms control agreements. I ask that the Washington Post article be printed in the Record following my remarks.

The administration has indicated that it intends to support ratification of these accords, but senior officials have expressed concern with the uncertainties associated with the TTB and PNE verification arrangements. On July 29, the Foreign Relations Committee was told that the administration would aim to produce a verification enhancement which they would review with the committee on October 1, and then take to the Soviets for discussion. It is October 1, and, to the best of my knowledge, the administration has nothing ready and is far from prepared to meet with the committee, to say nothing of meetings with the Soviets.

I only hope that, if the review of verification enhancements is taking longer than planned, it signifies an effort to produce a modest but useful package of new verification procedures, designed to avoid either protracted negotiations or Soviet rejection. I hope that this new delay will not be as lengthy as the 18-month period preceding the July 1982 decision to seek ratification of these accords.

In some quarters, the question of whether verification enhancements for these accords is needed is still at issue. An article that addresses this question appears in the October 1982 issue of Scientific American. The article, by Lynn R. Sykes and Jack F.

Evernden, entitled "The Verification of a Comprehensive Nuclear Test Ban," also looks at the wider issue of our ability to monitor agreed limitations on United States and Soviet weapons tests, including a comprehensive test ban. I ask that this article also be printed in the Record. For the information of Senators and people who read the Record, the complete article also contains valuable graphics and related captioned text which cannot be printed in the Record. Many will want to read this additional material.

While the conclusions of the article are certain to be debated at length, I commend this piece to the attention of my distinguished colleagues as another contribution in the effort to better understand the issues involved in arms control in the nuclear weapons area.

The article follows:

(From the Washington Post, May 28, 1982)

TWO TREATIES READY TO GO

(By Larry Pressler)

In moving toward a major breakthrough on strategic arms reductions, let us not forget the need for some modest but important steps in the interim. In this, consideration should be given to the ratification of two negotiated and signed accords limiting nuclear weapons tests, the Threshold Test Ban (TTB) and the Peaceful Nuclear Explosion (PNE) treaties.

The TTB and the PNE were negotiated and signed between 1974 and 1976 by the Nixon and Ford administrations. The TTB prohibits all weapons tests with yields greater than 150 kilotons. The PNE accord places the same constraints on so-called peaceful nuclear explosions. The Soviets have looked favorably toward PNEs and the United States has not. The United States has concluded that in most instances chemical explosives are sufficient for civil projects, and they avoid the radioactivity problems associated with PNEs. For this reason, the PNE treaty will have a greater impact on Moscow.

Some quarters in the bureaucracy advocate that we not ratify the TTB and PNE so that we can retain the option of testing high-yield weapons. But as Gen. David Jones, chairman of the Joint Chiefs of Staff, has indicated, there are no plans for such tests; nor is there any real need to conduct them. Assuring reliability of our current stockpile of weapons can be achieved under the 150-kiloton level. Moreover, the Soviets are in a better position to profit from a move toward high-yield testing than is the United States. Moscow has ready-made facilities for such tests; we would have to start from scratch. There are few guarantees that Congress would fund such a program if we rather than the Soviets initiated testing above the threshold.

More important still is the likely impact of the 150-kiloton level upon the Soviet arsenal. The Soviets have long held a preference for multi-megaton weapons. These agreements would, therefore, be far more restrictive on them. If doubts on weapons reliability arose, this would first occur in Moscow. In the long term, moreover, the agreements might add to strategic stability. As new weapons came on line, their warheads would have to be tested to assure reli-

ability. Likely Soviet doubts on the effectiveness of untested weapons might act as an incentive to move away from monster first-strike warheads.

Perhaps the most important provisions in these agreements deal with verification. The TTB provides for the exchange of geological and other test-related data required to assure compliance. The PNE's verification provisions are unprecedented. For the first time, the Soviets have agreed to on-site inspection.

The Reagan administration has made Soviet cooperation on the exchange of military data and on intrusive verification a litmus test of Soviet sincerity in arms restraint. The president's important strategic reductions initiative will depend on progress on these issues. The PNE and TTB offer Soviet concessions on both counts.

Support for ratification of these agreements has recently come from a broad spectrum of individuals, "hawks" as well as "doves." The group includes a stream of witnesses from the administration and the wider national security community who have testified before the Senate Foreign Relations Committee.

Since 1976 we and the Soviets have lived by these agreements—neither side has tested above the 150 kiloton level, and both have issued statements promising to adhere to the threshold as long as the other side does the same. But only ratification would bring the real benefits. Only then would the Soviets provide the data promised during negotiations and only then would they be bound to allow on-site inspection.

[From the *Scientific American*, October 1982]

#### THE VERIFICATION OF A COMPREHENSIVE NUCLEAR TEST BAN

(By Lynn R. Sykes and Jack F. Evernden)

Two treaties put into effect over the past 20 years have set limits on the testing of nuclear weapons. The Limited Test Ban Treaty of 1963, which has been signed by more than 120 nations, prohibits nuclear explosions in the atmosphere, the oceans and space, allowing them only underground. The Threshold Test Ban Treaty of 1976, a bilateral agreement between the U.S. and the U.S.S.R., prohibits underground tests of nuclear weapons with a yield greater than 150 kilotons. In the present climate of widespread pressure for more effective control of nuclear arms the idea of a comprehensive ban on all nuclear testing is receiving renewed attention. Such an agreement would be an important measure. It might inhibit the development of new weapons by the major nuclear powers, and it might also help to prevent the spread of nuclear-weapon technology to other countries.

A halt to all testing was the original goal of the negotiations that led to the 1963 Limited Test Ban. New talks with the aim of achieving a total ban were begun in 1977 by the U.S., the U.S.S.R. and Britain, but the talks were suspended in 1980. In both cases the main impediment to a comprehensive treaty was the contention by the U.S. and Britain that compliance with the treaty could not be verified because sufficiently small underground nuclear explosions could not be reliably detected and identified. In July the Reagan Administration announced that the test-ban negotiations with the U.S.S.R. and Britain will not be resumed. Once again the primary reason given was a lack of confidence in methods of verifying compliance.

In 1963 the reliability of measures for the verification of a treaty banning explosions larger than about one kiloton may have been arguable, but it no longer is. We address this question as seismologists who have been concerned for many years with the detection of underground explosions by seismic methods and with means of distinguishing underground explosions from earthquakes. We are certain that the state of knowledge of seismology and the techniques for monitoring seismic waves are sufficient to ensure that a feasible seismic network could soon detect a clandestine underground testing program involving explosions as small as one kiloton. In short, the technical capabilities needed to police a comprehensive test ban down to explosions of very small size unquestionably exist; the issues to be resolved are political.

An underground explosion sets up elastic vibrations that propagate as seismic waves through the earth and along its surface. The waves travel great distances, and seismic monitoring instruments in common use are sensitive enough to record even those generated by very small explosions. Once the waves have been detected the main task is to distinguish the seismic signals of explosions from those of earthquakes. This can be done with a network of several widely separated seismometers.

Two types of elastic vibrations can propagate through the solid body of the earth, that is, through the crust and the mantle. The first waves to arrive at a seismometer are compressional waves, which are similar to sound waves in air or water; the seismological name for them is *P* (for primary) waves. The slower body vibrations are shear waves, which are similar to the waves on a vibrating string; they are called *S* (for shear or secondary) waves. An underground explosion is a source of nearly pure *P* waves because it applies a uniform pressure to the walls of the cavity it creates. An earthquake, on the other hand, is generated when two blocks of the earth's crust rapidly slide past each other along the plane of a fault. Because of this shearing motion an earthquake radiates predominantly *S* waves.

A result of the spherical symmetry of the explosion source is that all the seismic waves it generates have a nearly radial symmetry around the focus of the explosion. In contrast, the highly directional character of an earthquake source gives rise to seismic waves with strongly asymmetric patterns. The asymmetry in the amplitude of the waves received at seismometers throughout the world provides the means whereby seismologists can determine the faulting mechanism of a given earthquake.

In addition to the *P* and *S* body waves there are also two types of seismic waves that propagate only over the surface of the earth. They are called Rayleigh waves and Love waves, and they result from complex reflections of part of the body-wave energy in the upper layers of the earth's crust. A simple explosion can generate Rayleigh waves but not Love waves, whereas an earthquake generates waves of both types.

Seismologists characterize the size of a seismic event by means of magnitudes. A given event can be assigned several magnitudes, each one based on a different kind of seismic wave. A magnitude is the logarithm of the amplitude of a particular type of wave normalized for distance and depth of focus. Of the numerous magnitudes that can be defined for a single seismic event we shall discuss only two, which in seismological notation are designated  $M_s$  and  $m_b$ . The

former is generally based on Rayleigh waves with a period of 20 seconds, the latter on one-second *P* waves. The magnitude of a seismic signal is ultimately related to the energy released at the site of the event. For a nuclear explosion the customary measure of energy release is the yield in kilotons, where one kiloton is the energy released by detonating 1,000 tons of TNT.

Every year there are numerous earthquakes whose magnitudes are in the range corresponding to the yields of underground explosions. Several methods can be applied to several types of waves to distinguish the seismic waves of explosions from those of earthquakes. The location of a seismic event and its depth below the surface are important criteria; indeed, the great majority of routinely detected events can be classified as earthquakes simply because they are either too deep or not at a plausible site for an explosion. The remaining events can be reliably classified by the amount of energy radiated in the several kinds of waves at various frequencies.

The location of an event in latitude and longitude is a powerful tool for classification. The position is determined by recording the arrival time of short-period *P* waves at several seismographic stations in various parts of the world. The travel time of the *P* waves to each station is a function of distance and depth of focus. From the arrival times it is possible to determine the location of the source with an absolute error of less than 10 to 25 kilometers if the seismic data are of high quality.

The identification of seismic events at sea is quite simple. It is assumed that the network monitoring a test-ban treaty would include a small number of simple hydroacoustic stations around the shores of the oceans and on a few critical islands to measure pressure waves in seawater. The hydroacoustic signal of an underwater explosion is so different from that of an earthquake and can be detected at such long range that the identification of a seismic event at sea as an explosion or an earthquake is simple and positive. Hence any event whose calculated position is at least 25 kilometers at sea (a margin allowing for errors) can be classified as an earthquake on the basis of its location and the character of its hydroacoustic signal.

The accuracy with which the position of a seismic event can be determined in an area offshore of an island arc has been tested with an array of ocean-bottom seismometers off the Kamchatka Peninsula and the Kurile Islands in the U.S.S.R. The tests indicate that the accuracy of a seismic network under these circumstances is much better than 25 kilometers. Holding to that standard, however, one finds that well over half of the world's seismic events are definitely at sea and are therefore easily identified as earthquakes.

Another large group of detected events have their epicenters on land but in regions where no nuclear explosions are to be expected; these events too can be safely classified as earthquakes. Indeed, almost all the world's seismic activity is in regions that are of no concern for monitoring compliance with a comprehensive test ban. Thus the simple act of locating seismic events classifies most of them as earthquakes.

Calculating the depth of focus provides a means of identifying a large fraction of the remaining earthquakes. From 55 to 60 percent of the world's earthquakes are at depths of more than 30 kilometers; at least 90 percent are more than 10 kilometers

deep. Any seismic event as deep as 15 kilometers is certainly an earthquake. No one has yet drilled into the earth's crust as far down as 10 kilometers, and the deepest nuclear explosions have been at a depth of about two kilometers.

Several seismological procedures can be employed to determine an event's depth of focus. In most cases the depth is calculated at the same time as the location. When a seismic event is detected at 20 stations or more, a routinely calculated depth of 30 kilometers or more ensures with a 95 percent degree of confidence that the event was at least 15 kilometers below the surface.

A powerful technique for estimating depth can be applied if at least one seismological station is within a few hundred kilometers of the detected event. (A monitoring network for a comprehensive test ban would be quite likely to meet this condition in areas where nuclear testing might be expected.) A pair of *P* and *S* waves generated at the same instant and recorded by a station near the event follow identical paths but propagate at different speeds. The difference in their times of arrival, or in other words the difference in their phases, therefore serves to determine the time of origin of the event. With experience the seismograms of a station near the event can be successfully analyzed to detect at least one pair of such *P* and *S* phases. Given the time of origin determined in this way and the arrival times of the *P* waves at only a few distant receivers, an accurate estimate of the depth of focus can be made.

There may remain critical seismic regions where nearby stations do not exist. Data from large events can then be employed to refine the calculated depth and location of smaller events. The essence of the technique is to correct the observed times of small events by noting the differences between the observed and the calculated times for a large event in the same area. The procedure is in routine use by several networks.

The combined effectiveness of location and depth in distinguishing earthquakes from explosions is impressive. More than 90 percent of all earthquakes either are under oceans or are at least 30 kilometers deep (or both). Most of the remaining earthquakes are in countries that are unlikely to be testing nuclear weapons or in countries where clandestine testing would be impossible. For the U.S., of course, the U.S.S.R. is the country of prime interest. About 75 percent of the earthquakes in and near the U.S.S.R. are in the eastern part of the country near the Kamchatka Peninsula and the Kurile Islands. Almost all of the shocks in these areas either have a focal depth greater than 50 kilometers or are well offshore. It turns out that seismic events whose calculated position is on land in the U.S.S.R. or less than 25 kilometers at sea and whose calculated depth is less than 50 kilometers constitute only about .5 percent of the world's earthquakes. This amounts to about 100 earthquakes per year with an  $M_s$  magnitude greater than 3.8 for which other seismic discriminants must be employed.

None of the measures we have discussed so far relies on the detailed characteristics of the waves radiated by earthquakes and explosions. Several powerful discriminants are based on those characteristics, in particular on the relative amounts of energy in waves of different types and periods. For example, a shallow earthquake generates 20-second Rayleigh waves with amplitudes at least several times greater than those of an explosion that releases the same amount of

energy. In the notational practice of seismology the comparison of the two magnitudes is referred to as the  $M_s : m_b$  ratio, that is, the ratio of long-period to short-period waves.

A second spectral discriminant is based on the observation that long-period *P* and *S* waves are rarely or never seen in association with explosions but one type or the other is routinely detected today by simple seismometers for most earthquakes that have a one-second *P*-wave magnitude of at least 4.5. More sophisticated seismic stations and more sophisticated analysis of the signals could lower the magnitude at which such waves can be detected.

A third distinction is that surface waves of the Love type are generated far more strongly by shallow earthquakes than they are by underground explosions, including even abnormal explosions. Still another characteristic feature of the seismic signal from explosions is that the first motion of the earth stimulated by *P* waves is always upward because the explosion itself is directed outward; the first *P*-wave motion in an earthquake can be either upward or downward.

An important factor contributing to the separation of earthquakes from explosions on an  $M_s : m_b$  diagram is that *P* waves from the two kinds of events have different radiation patterns. Explosions radiate short-period *P* waves equally in all directions, whereas earthquakes have very asymmetric patterns. Hence most earthquake sources show a decrease of from .4 to one magnitude unit from the peak values when the *P*-wave amplitudes are averaged over pertinent radiation angles. A simple explosion does not initially radiate any shear waves; earthquakes typically generate large shear waves. As a result Rayleigh waves generated by many types of earthquakes have a larger amplitude than the corresponding waves generated by underground explosions of the same  $m_b$ .

There is a characteristic time for the formation of the source of a seismic event; the time is equal to the maximum source dimension divided by the velocity of source formation. The source dimension for earthquakes is the length of the break where most of the short-period energy is released; it is from three to 20 times greater, depending on the state of stress in the rocks, than the radius of the cavity and shatter zone of a comparable explosion. The velocity of source formation for earthquakes is from somewhat less to much less than the velocity of shear waves in the rocks surrounding the fault, whereas the relevant velocity for explosions is the velocity of shock waves in the rock, which is essentially the velocity of compressional waves. As a result of these differences in the size of the source and the velocity of source formation the characteristic times for earthquakes and explosions differ by a factor of from six to 40. It is therefore not surprising that differences are observed between the short-period *P*-wave spectra of earthquakes and explosions.

Observations of several U.S. explosions have demonstrated the existence of a phenomenon called overshoot. It is related to shock waves in strong rock, but it can be thought of as the equivalent of cavity pressure rising to high values followed by a decrease in pressure by a factor of four or five; the lower pressure is then maintained for many tens of seconds. Overshoot, when it occurs, provides additional *P*-wave spectral discrimination and augments discrimination by means of the  $M_s : m_b$  ratio for larger events.

It was once thought that an explosion could not give rise to any Love waves at all. A phenomenon that was of great significance in thwarting President Kennedy's effort to achieve a comprehensive test-ban treaty in 1963 was the observation that many underground nuclear explosions at the U.S. testing site in Nevada, particularly those in hard rock, generated unmistakable Love waves. The failure of the qualitative criterion "No Love waves from explosions" (at a time when such quantitative criteria as the comparison of the magnitudes of long-period and short-period waves were not adequately established) left seismologists unable to guarantee their ability to distinguish the seismic waves of underground explosions from those of earthquakes.

The presence of Love waves in the Nevada tests has since been explained. What was not considered in the earlier analyses was the influence of the natural stressed state of the earth on the waves generated by an explosion. The creation of a cavity and its surrounding shatter cone by an underground explosion leads to the release of some of the natural stress, which in turn generates seismic waves equivalent to those of a small earthquake, including Love waves. The observed waves are a superposition of the waves from the explosion and from the release of the stress.

The release of natural stress also alters the amplitude of Rayleigh waves. The perturbation has never been large enough, however, to put in doubt the nature of an event identified by the ratio of long-period to short-period waves. Only rarely does the perturbation significantly affect the amplitude of *P*-waves; it is not known ever to have changed the direction of their first motion. Moreover, if the magnitude  $M_s$  is determined from Love waves rather than Rayleigh waves, the ratio method ( $M_s : m_b$ ) provides an excellent discriminant.

In short, if seismologists had done their homework thoroughly by 1963, the nations of the world might well have achieved a comprehensive test-ban treaty then. Today the release of natural stresses in the earth is significant only as a perturbing factor that must be taken into account when the yield of an explosion is estimated from Rayleigh waves.

Reports that earthquakes occasionally have  $M_s : m_b$  values like those of explosions have been cited as a factor that might impede the effective monitoring of a comprehensive test ban. In analyzing a large set of earthquakes in all parts of the world and of underground explosions in the U.S. and the U.S.S.R. we found only one example of this kind of ambiguity. The focus of the event was far from the area in which the seismometer network gave its best results.

In 1972, at a meeting of the UN Committee on Disarmament, the U.S. submitted a list of 25 "anomalous" events that were said to be indicative of a problem in discrimination. In 1976 the 25 events were reanalyzed by one of us (Sykes) and two other seismologists, Robert Tatham and Donald Forsythe. It was established that about half of the events had  $M_s : m_b$  values that put them clearly in the earthquake population. Most of the original magnitudes had been determined from only one or two stations, and much existing information had not even been consulted. When the records of other available stations were examined, the events ceased to be "anomalous."

For the remaining problem events  $M_s : m_b$  measurements based on 20-second Rayleigh waves gave values in the range characteris-

tic of explosions. Several of these events were at depths of from 25 to 50 kilometers, where the possibility of nuclear testing can be excluded in any case, but the magnitude ratio nonetheless demanded explanation. It is known from seismological theory that certain types of earthquakes at these depths excite long-period Rayleigh waves poorly. The theory predicts, however, that Love waves and vibrations called higher-mode Rayleigh waves are in many instances vigorously generated in these circumstances. An analysis of recordings of the Love waves and the higher-mode Rayleigh waves identified several more of the problem events as earthquakes.

Only a single sequence of events at one place in Tibet remained as a problem. In that region underground nuclear testing is unlikely, but the nature of the events could not be determined with certainty from the magnitude ratios. We think the reason is that with the seismographic networks of the 1960's, when the events were recorded, Love waves could not be detected for small-magnitude events because they were obscured by background earth noise. New installations and new modes of data processing have greatly reduced the problem. If the same series of events or a similar series were to take place today, we think they would be identified unambiguously. Long-period seismographs in boreholes and routine digital processing of seismograms lead to a suppression of background noise and increase the detectability of many types of waves, including Love waves.

As it happened, the nature of the Tibetan problem sequence was resolved in spite of the inadequacies of the long-period data of the time. At several stations the first motion of the *P* waves was downward, which is not possible for an explosion. Hence the events must have been small earthquakes.

It seems reasonable to say that for the networks we shall describe below there should no longer be any problem events at  $m_b$  4 or more. We know of no Eurasian earthquake with a one-second *P*-wave magnitude of 4 or more in the past 20 years whose waves are classified as those of an explosion. (Of course, numerous smaller Eurasian earthquakes during that period went unidentified because of inadequate data.) Furthermore, to our knowledge not one out of several hundred underground nuclear explosions set off in the same period radiated seismic waves that could be mistaken for those of an earthquake. Our experience indicates an extremely low probability that an event will remain unidentified when all the available techniques of discrimination are brought to bear.

No monitoring technology can offer an absolute assurance that even the smallest illicit explosion would be detected. We presume that an ability to detect and identify events whose seismic magnitude is equivalent to an explosive yield of about one kiloton would be adequate. It is often assumed that for the U.S. to subscribe to a comprehensive test ban it would require 90 percent confidence of detecting any violation by another party to the treaty. Developing a new nuclear weapon, however, generally requires a series of tests, and the probability that at least one explosion will be detected rises sharply as the number of the tests is increased. Moreover, a 90 percent level of confidence for the detection of even a single explosion probably is not needed. For a country seeking to evade the treaty the expected probability of detection would certainly have to be less than 30 percent, and perhaps

much less, even if only one illicit test were planned. The test-ban agreements that have been considered over the years all include an "escape clause" through which a country could renounce its treaty obligations. Unless the probability of detection were very low, a country whose national interest seemed to demand a resumption of testing would presumably invoke the escape clause rather than risk being caught cheating.

Given these standards of reliability for a monitoring system, it is possible to specify the size and the sensitivity of the seismic network that would be needed to verify compliance with a comprehensive test ban. Two kinds of network can be considered for maintaining seismic surveillance of the U.S.S.R. One network consists of 15 stations outside the borders of the U.S.S.R. In the second network the 15 external stations are supplemented by 15 internal ones.

The ultimate limit on the detection of seismic signals is imposed by microseisms, or random vibrations of the earth's surface. Most microseisms are induced by the earth's atmosphere and oceans. In order to detect a one-kiloton explosion in much of the U.S.S.R. a monitoring network would have to be able to recognize above the background noise any event with a short-period *P*-wave magnitude of 3.8 or more. In order to distinguish an explosion from an earthquake by comparing the long-period magnitude with the short-period one, the network would also have to be able to detect surface waves with an  $M_s$  magnitude of 2.5 or more. The network of 15 external stations could achieve these goals. Indeed, since almost all the seismic areas of the U.S.S.R. are along its borders, the external network would be sensitive to events of even smaller magnitude there. The mere detection of a seismic event in most areas of the interior would constitute identification of the event as an explosion.

The lower limit of one kiloton on the yield of an explosion that could be detected by an external network is based on the assumption that the coupling between the explosion and the seismic radiation is efficient and that the explosion was not set off during or soon after a large earthquake. If one must consider the possibility that a country would try to evade a test-ban treaty by decoupling, or muffling, an explosion and thereby reducing the amplitude of the emitted seismic signals, an improved network would be required. In principle such muffling could be done by detonating the explosion in a large cavity or by using energy-absorbing material in a smaller cavity. The former stratagem might reduce the seismic signal of an explosion by 1.9 magnitude units as measured by one-second *P* waves (that is, by  $m_b$ ). The latter stratagem might bring a reduction of one unit.

The use of an oversize cavity is clearly the more worrisome possibility, but it could be attempted only in certain geologic formations: a salt dome or a thick sequence of bedded salt deposits. Few areas of the U.S.S.R. have deposits of salt in which the construction of a cavity large enough for decoupling a several-kiloton explosion would be possible. The maximum size of a cavity that could reasonably be constructed and maintained sets a limit of two kilotons on explosions that might be muffled in this way and escape detection by the 15-station external network.

Another way to reduce the amplitude of radiated seismic waves is by detonating an explosion in a low-coupling medium such as dry alluvium. The maximum thickness of

dry alluvium in the U.S.S.R. sets a limit of 10 kilotons on explosions that might be concealed by this means, again assuming that only the 15 external stations were installed.

Another possible drawback of an exclusively external network should be mentioned. Confusion could arise when signals from two or more earthquakes reached a station simultaneously. The effect would be most troublesome when the long-period waves from a small event in the U.S.S.R. arrived at the same time as similar waves from a much larger earthquake elsewhere in the world. Under these circumstances it might be difficult to establish with certainty by comparing  $M_s$  with  $m_b$  the identity of the event in the U.S.S.R. With a network of 15 external stations there would be a few events per year in which the smaller earthquake was in the territory of the U.S.S.R. or within 25 kilometers of its borders and at a depth of less than 50 kilometers.

A monitoring network made up of 15 seismographic stations outside the U.S.S.R. and 15 inside it would largely eliminate the problem of coincident earthquake signals and would greatly reduce the maximum yield of an explosion that might escape detection, even if decoupling were attempted. The internal monitoring stations would be simple unattended ones, with the capability of measuring vertical ground motion and two orthogonal components of horizontal motion, so that the distance and direction of a nearby event could be estimated from the data of a single short-range station. With such a network in place, and assuming that muffling was attempted in the presence of normal earth noise, the largest explosion that would have a 30 percent chance of escaping detection in any setting except a salt dome would be .5 kiloton.

For salt domes the main area of concern in the U.S.S.R. is the region north of the Caspian Sea. Our hypothetical network has three stations there. Even a small explosion in a large salt-dome cavity would emit certain *P* and *S* waves with an amplitude large enough to be detected by nearby stations. Furthermore, detection by even one of the stations would immediately identify the event as an explosion because the area has no natural seismic activity. As a result evasion would not be likely to be attempted at a yield greater than one kiloton even in the salt-dome area.

A possible strategy for evasion that has been mentioned from time to time is the one of hiding the seismic signal of a nuclear explosion in the signal of a large earthquake, which might be near the site of the explosion or far from it. For the U.S.S.R. the only credible possibility is a distant earthquake because the only possible testing sites where earthquakes are frequent enough to make the effort worth while are on the Kamchatka Peninsula and in the Kurile Islands. Clandestine testing there is not likely because seismic activity in the area can be monitored in detail from stations in Japan and the Aleutian Islands. Indeed, ocean-bottom seismometers and hydroacoustic sensors could be placed just offshore.

The first defense against evasion by the masking of a test in a large earthquake is the questionable feasibility of the subterfuge. Unless the evader maintained several testing sites the number of opportunities per year for clandestine testing would be quite limited. In addition the evader would have to maintain his weapons in constant readiness for firing. To attain the evasion capability given below he would have to set

off an explosion within 100 seconds of the time of arrival of the short-period waves of the earthquake. He would have to estimate the maximum amplitude and the decay rate of the earthquake waves with high accuracy, and he would have to be certain of the amplitude of the *P* waves generated by the explosion to within .1 magnitude unit. Even after taking these precautions the evader would have to accept a high probability that the event would be detected by at least one monitoring station and a small probability that three stations would detect it. He would also have to install and operate his testing site (including a large cavity) and his own seismological network in total secrecy over a period of years.

In contrast to these daunting requirements for successful evasion, the only requirements for a monitoring nation are to operate a network of high-quality seismic stations and to process the data with determination. Against a network of 15 external stations and 15 internal ones the only effective evasion schemes at yields of one kiloton or more would require both decoupling and hiding the explosion signal in an earthquake.

The issues relating to the monitoring of a comprehensive test ban can be summarized as follows. The understanding of seismology and the testing of seismometer networks are sufficiently complete to ensure that compliance with a treaty could be verified with a high level of confidence. The only explosions with a significant likelihood of escaping detection would be those of very small yield: less than one kiloton provided the monitoring system includes stations in the U.S.S.R.

It is important to view the question of yield in the context of the nuclear weapons that have been tested up to now. The ones that ushered in the nuclear age in 1945 had a yield of from 15 to 20 kilotons. Yields increased rapidly to the point where the U.S.S.R. tested a 58,000-kiloton weapon in 1961. The largest underground explosion had a yield of almost 5,000 kilotons. Unclassified reports place the yield of the weapons carried by intercontinental missiles in the range from 40 to 9,000 kilotons. The yields of underground explosions that might go undetected or unidentified under a comprehensive test ban are therefore much smaller than those of the first nuclear weapons. If the threshold of reliable detection and identification is one kiloton, that is only one-150th of the limit specified by the Threshold Test Ban Treaty of 1976.

From the viewpoint of verification a comprehensive test ban would actually establish the equivalent of a very low threshold, since weapons of extremely low yield could be tested underground without the certainty of being detected and identified. A treaty that imposed a threshold near the limit of seismological monitoring capability might therefore be considered an alternative to a comprehensive test ban. Such a treaty might be preferable to the present quite high threshold, but it would have the disadvantage that arguments could arise over the exact yield of tests made near the threshold. Indeed, the judgment of whether or not a test has taken place will always be less equivocal than an exact determination of yield.

In recent years there have been reports that the U.S.S.R. may have repeatedly violated the 1976 treaty by testing devices with a yield greater than the 150-kiloton limit. Such reputed violations were recently cited as evidence that the threshold treaty, which

has not been ratified by the U.S. Senate, is not verifiable and should be renegotiated. On the basis of our analysis we conclude that the reports are erroneous; they are based on a miscalibration of one of the curves that relates measured seismic magnitude to explosive yield. When the correct calibration is employed, it is apparent that none of the Russian weapons tests exceed 150 kilotons, although several come close to it.

Observations at the Nevada Test Site (NTS), where American nuclear-weapons test are held, indicate there are linear correlations between the logarithm of the explosive yield and the two magnitude values,  $M_s$  and  $m_b$ , for explosions with yields greater than 100 kilotons. When the measured  $M_s$  and  $m_b$  values of explosions at the Russian test site near Semipalatinsk are inserted into the NTS formulas, however, the resulting estimates of yield given by  $m_b$  are more than four times as great as those given by  $M_s$ . For explosions in hard rock at many test sites estimates of yield based on the NTS  $M_s$  formula have invariably agreed with actual yields, whereas estimates based on the NTS  $m_b$  formula have sometimes been in drastic disagreement with the actual yield.

A strong correlation has been found between  $m_b$  values measured at individual stations and *P*-wave travel times to these stations. The U.S.S.R. routinely publishes seismological bulletins that include *P*-wave arrival times of earthquakes, and it is straightforward to interpret the times for stations in central Asia in terms of the expected pattern of  $m_b$  values near Semipalatinsk. From an analysis of the *P*-wave signals it is predicted that the  $m_b$  value for an explosion at Semipalatinsk is 40 percent greater than an equivalent explosion at NTS. This is the same correction that must be applied to the curve relating  $m_b$  to yield at NTS to make the  $m_b$  estimates of the yield of Russian explosions consistent with the  $M_s$  estimates. Thus two modes of analysis lead to the conclusion that there is an essentially universal relation between  $M_s$  and yield whereas the curve relating  $m_b$  to yield must be calibrated for each test site.

A comprehensive treaty would have an additional advantage over a low-threshold treaty: all technological uncertainties would work against the potential evader. A country planning a surreptitious nuclear test could not know the exact seismic-detection capability of other nations or the exact magnitude of the seismic waves that would be generated by his test. A ban on nuclear explosions of all sizes would also have the important conceptual value that nuclear weapons, no matter what their size, would be recognized as inherently different from conventional weapons.

It is sobering to consider how the state of the world would differ if a full test ban had been achieved in 1963. The number of nuclear weapons has grown tremendously since then and is now estimated at from 50,000 to 100,000. The loss of life and the social damage that would be inflicted in a major nuclear exchange are vastly greater than they were in 1963. Furthermore, both the U.S. and the U.S.S.R. are less secure now than ever before, not because of any failure to develop arms but because of the growing stockpiles of weapons and the inability of any nation to defend itself against nuclear attack.

A comprehensive test-ban agreement should not be regarded as a substitute for disarmament. Meaningful reductions in the

nuclear threat must include a continuing and serious process of arms control; in this process, however, a comprehensive test-ban treaty could have an important part. The problems of negotiating such a treaty are overwhelmingly political rather than technical and must be recognized as such.

Before the suspension of negotiations between the U.S., Britain and the U.S.S.R. in 1980 tentative agreement had been reached on a number of issues. All three nations agreed that a test-ban treaty would include a prohibition of all tests of nuclear weapons in all environments, a moratorium on peaceful nuclear explosions until arrangements for undertaking them could be worked out, provisions for on-site inspections, a mechanism for the international exchange of seismic data and the installation of tamper-proof seismic stations by each country in the territory of the others. The proposed treaty would have a term of three years. The agreements on the long-standing issues of on-site inspection, peaceful explosions and the placement of monitoring stations in each country represented important breakthroughs. It would be a setback for the cause of international security if this hard-won ground were now lost.

For many years the stated policy of the U.S. has emphasized the desirability of a complete test ban if verification could be ensured. The policy was not fundamentally altered by the recent decision of the Reagan Administration to put off further negotiations on the test ban. On the contrary, it was reported that the Administration still supports the ultimate goal of a comprehensive ban on nuclear testing but has doubts about the efficacy and reliability of seismic methods of verification. As we have attempted to show here, there can be no substance to such doubts. ●

#### THE VIOLENT CRIME AND DRUG ACT—S. 2572

● Mr. PRESSLER. Mr. President, I commend the Senate for the passage of S. 2572, the Violent Crime and Drug Act. I am proud to have served as a cosponsor of this most important legislation.

The people of this country have long been calling for tougher action on crime, and they are certainly correct in doing so. The increase in violent crime and drug trafficking has been most dramatic. The Department of Justice has reported that almost one-third of all the households in the United States were victimized by crime last year. S. 2572 includes major bail reform, provisions for setting sentencing guidelines, and changes in statutes dealing with drug trafficking, offenses against Federal officials, and organized crime.

Under the provisions of this legislation, judges will be able to consider the possible danger to the community when determining whether a defendant awaiting trial should be released on bail. Most importantly, danger to the community will be presumed if the defendant is accused of a serious drug trafficking offense or has used a firearm during the commission of a violent crime.

Major provisions are also included which will aid in the protection of those who have been victimized by crime. The bill would make it a Federal crime to retaliate against a witness or victim after the completion of the criminal justice process. These provisions are very important to our country's elderly population. Senior citizens are increasingly victimized by violent crime and are afraid to leave their homes. It is our duty to combat the serious crime problems which lead to this fear.

Under the sentencing provisions included in this measure, the courts will be required to follow guidelines in determining appropriate sentences and must explain the basis for any sentence which falls outside these guidelines.

The Government will also be able to appeal any sentence which is more lenient than the sentence guidelines. Tougher sentences, bail reform, and a crackdown on drug trafficking and organized crime are most important legislative reforms. However, the work is far from complete.

In my home State of South Dakota, people who had believed that they lived in safe communities are now unable to leave their homes unlocked or their farms unattended. Crime is everywhere and everyone runs the risk of being the next victim. By being soft on crime, we encourage an increase in criminal action and destroy our people's faith in the criminal justice system. I commend the Members of the Senate for taking this most important step and urge them to continue this most important fight. There can be no law without order, and no order without law.●

#### NATIONAL TEXTILE WEEK

● Mr. HEFLIN. Mr. President, it is a great pleasure for me today to rise in support of a resolution designating a "National Textile Week," to be celebrated from October 17-24.

One reason it is such a pleasure for me to support this commemorative resolution is the great importance of the textile industry in my home State of Alabama. Nearly 100,000 men and women in Alabama are employed in the textile/apparel industry, a very large percentage of the more than 2 million nationwide who earn their livings in this field.

With Alabama being the fourth largest textile producing State in the Nation, there is not 1 county from among Alabama's 67 that does not depend, to some degree, on the manufacture of textiles and apparel for economic well-being. Similarly, there is not one single State in the Nation whose economy does not depend on the manufacture of textiles and apparel, for the banners displayed across

the country, reading "Textiles Cover America," are certainly true.

In Alabama, the textile industry provides a payroll of more than \$1 billion. The national total nearly reaches \$20 billion.

Nearly 1 out of 3 Alabamians are employed in some phase of the textile or apparel industries. Nationwide, this figure is 1 out of 9, still a very impressive total.

I can think of no other single American industry that is more widespread in its economic effects, or that produces products more basic to the meeting of human necessities.

Textiles are needed everywhere. They are used in our homes and in our offices, in schools, and hospitals, and factories, in planes and trains, and automobiles, in our Armed Forces and our space program, in science and technology, and the list is endless—from shirts to sheets to safety belts to sutures to space suits to swim suits.

The textile industry has often been called a gateway industry, because for many, it provides a first job in manufacturing and a chance for personal advancement that is not easily found in many other industries. This industry, however, has done much more on a far greater scale.

Indeed, textiles has been a gateway industry for our entire Nation, for it helped open the doors to an industrial revolution that has given our Nation the highest standard of living that the world has ever known.

We in Alabama are tremendously proud of our textile plants. Without them, our State could never have progressed as far as we have come. The contributions that this industry has made are far too numerous to recount here, but they are frequently realized in day to day life.

Congratulations are certainly in order for all who are engaged in the textile or apparel industries, not only during the week of October 17-24, during which we will celebrate "National Textile Week," but also during every week of every year. These people are vital in an industry which, for more than 200 years, has proved vital to the very strength and prosperity of our Nation.●

#### MIDDLE EAST PEACE INITIATIVE

● Mr. PRESSLER. Mr. President, recent events in the Middle East have reminded us once again of the central role played by the United States in the maintenance of world peace. President Reagan's bold diplomatic initiative represents a step forward in the effort to secure a lasting peace in that region. Believing that the Congress should contribute to the development of this most important Presidential initiative, I wrote to Secretary of State George Shultz concerning the President's plan. I ask that my letter to

him, as well as the response, be included in the RECORD.

The letter follows:

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
Washington, D.C., September 9, 1982.  
Hon. GEORGE P. SHULTZ,  
Secretary of State,  
Washington, D.C.

DEAR MR. SECRETARY: I am pleased with President Reagan's Middle East peace initiative. Both that initiative and your elaboration of last weekend are valuable steps in the right direction.

I have long felt that the United States had a bigger role to play in the region than simply as Israel's chief arms supplier, although I feel that is important in itself. American diplomacy in the region can have a more significant mission in the peace process than simply helping to bail out that part of the world from its frequent crises.

In my opinion, the purchase of Israeli security purely through arms is not only a costly endeavor, but such an approach is doomed to failure in the long run. Under today's conditions, Israel's survival depends upon winning any and all military challenges. This is too great a gamble for any nation; a single defeat would mean the end for this important ally.

While I agree with the need for a new American policy, I must express concern for some of the details in the Administration's proposal. In this, I am especially struck by your comments and those of the President with regard to the need for a demilitarized zone, particularly with regard to artillery and other offensive weapons. How wide must a zone be to provide for Israel's security? Would a band of safety of, say, 15 miles, as I believe the Administration now suggests, be sufficient given the range and mobility of modern armaments? What is the potential for the abrogation of such an understanding against the deployment of offensive weaponry? What action would we and other governments, both inside and outside the region, be prepared to take to prevent such an eventuality? Also, I would appreciate knowing your thoughts on the relationship of the demilitarized zone to the occupied territories as well as U.N. Resolution 242. Who would control the demilitarized area(s) in the immediate future and in the long term?

I view these questions as fundamental. In this regard, I would draw your attention to the origins of the Second World War, and particularly to Hitler's unilateral move to remilitarize the Rhineland in defiance of the Treaty of Versailles. In the minds of most historians, the failure to prepare for and respond to that provocation placed the world on the path to the Second World War. Under today's conditions, we cannot afford a repetition of the same mistakes in designing a Middle East peace settlement.

Sincerely,

LARRY PRESSLER,  
Chairman, Subcommittee on Arms Control,  
Oceans, International Operations  
and Environment.

DEPARTMENT OF STATE,  
Washington, D.C.

Hon. LARRY PRESSLER,  
Chairman, Subcommittee on Arms Control,  
Oceans, International Operations and  
Environment, U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to respond to your gracious and thoughtful letter of September 9. First, let

me express the appreciation of the Secretary and the President for your support for the President's initiative. As the Secretary has repeatedly emphasized, strong Congressional and public support, particularly from the leadership is critical if our foreign policy efforts are to succeed.

Your letter raises several issues about Israeli security, and the way in which that security can best be guaranteed. Military strength is costly not only in its economic terms, but in terms of the lives and casualties inevitably imposed. As the Secretary noted in his speech to the United Jewish Appeal shortly after the President's speech on September 1, while true peace "requires military strength and bravery, strength alone is not enough; true peace can only be achieved through lasting negotiated agreements leading ultimately to friendly cooperation between Israel and her neighbors."

As to your questions on details, you have raised several very important issues. The President's initiative was not designed as a comprehensive plan addressing these details or a variety of similar ones, but to state some broad principles to which we will give our support in the negotiations. The details will have to be worked out there. In those negotiations we will support solutions to those problems that seem fair and reasonable. You ask, for example, about the width of a demilitarized zone. There are a number of factors to be considered, not simply the type and range of weapons, but the other security guarantees and the agreements between Israel and her neighbors which are part of the context, and other related issues, none of which can be addressed except through the negotiations.

We believe that these issues can be solved, through creative and determined diplomacy, on our part and that of our partners. We look forward to continuing to work with you and other leaders of the Senate in that effort.

Sincerely,

POWELL A. MOORE,  
Assistant Secretary for  
Congressional Relations.●

#### MOE MORAVEC HELPS REDUCE INFLATION

● Mr. ZORINSKY. Mr. President, I would like to take this opportunity to focus attention on the efforts of a dedicated Nebraskan to help our Nation reduce inflation and get ourselves on the road to economic recovery.

Recently, I received a letter from Moe Moravec of Papillion, Nebr., informing me that he froze food and drink prices for 13 months at his restaurant, Moe's Steak House, as his contribution in the fight against inflation. Despite the price freeze, Mr. Moravec has informed me that the restaurant showed a considerable volume growth and an equally pleasant profit picture.

The solution to our current economic dilemma is not an easy one and will require the combined efforts of all Americans. Moe Moravec has demonstrated that sacrifice and hard work on the part of a small businessman can go a long way in helping our great Nation regain economic prosperity.

I would like to share with my colleagues Moe Moravec's letter to President Reagan informing him of the price freeze as well as an article Mr. Moravec wrote for a local publication on the same topic.

The material follows:

#### LETTER TO THE PRESIDENT

The President,  
The White House.

Your speech to the Congress and the nation was some of the sweetest music to my ears I've ever heard!

Mr. President, I believe everything you said; you said things the majority of us have been wanting to hear for a long, long time. You touched on many things that have been a burr under my saddle.

Mr. President, we here at Moe's Steakhouse will commit ourselves to the very theme of your speech, inflation, and we will do our part by freezing our food and mix drink prices for one year thru Feb. 19, 1982.

Yes, sir, we will absorb all and any price raises thru more efficient operations and make it work!

Thank you again, I slept much better last night.

MOE MORAVEC.

#### MOE SPEAKS OUT

Like "Bama Butch" who surfaces occasionally—you haven't heard much from Moe for some time. Well, I've been like a "one armed paper hanger" trying to keep Moe's open in these hard economic times. My big mouth made me spout off about freezing prices for a year. Whew, only a crazy man would pull a deal like that with prices rising all around. To compound things the last time Moe's menu prices were adjusted was in August of 1980. On Jan. 19th of 1981 President Reagan addressed the nation concerned about the evils of inflation. Moe wrote him a personal letter pledging to freeze food and drink prices for one year. (If you recall he personally responded.) Well, it took Moe and his staff 4 months to gear their operation to a "price freeze policy" for one year.

Today Moe is happy to announce that the past 13 months have shown a considerable volume growth but more importantly, thanks to the support of our good patrons, we show, an equally pleasing profit picture! The bottom line is what it's all about when you are in any business! I today challenge all business both locally and nationally to "freeze their prices for one year" you'll be pleasantly surprised at the results and I'm sure this great USA will love you more for it.

Thank you for making it work.

At this time my accountant is verifying my claim—however menu information can be verified—ask us.

We are continuing our price freeze through Labor Day 1983.●

#### COMMISSIONING OF THE U.S.S. "HOUSTON"

● Mr. JEPSEN. Mr. President, the nuclear-powered submarine U.S.S. *Houston* (SSN 713) was commissioned on September 25, 1982, in Norfolk, Va. The distinguished speaker on this proud occasion was the chairman of the Committee on Armed Services, who spoke of the great achievements of earlier ships which carried the

name U.S.S. *Houston*. The heroic lessons of these earlier ships and of the men who fought on them can provide an inspiration to us all.

Mr. President, I ask that this address by the senior Senator from Texas be printed in the RECORD.

The address follows:

#### CELEBRATION OF U.S.S. "HOUSTON"

(Address by Senator John Tower)

We are here to celebrate the achievement of the men and women who designed and built this fine attack submarine, the achievements of the city of Houston, Texas, for which this great ship is named, and the achievements of the sailors of all the USS HOUSTONS both past and present.

It is customary at a time like this to talk of ships, force goals, and national requirements. These are important, but too often we tend to forget the human factor.

It is fine, indeed essential, to have a fleet of the proper size and capability, but to make the ships of the fleet work properly, even with today's technology, we must have dedicated, trained men who will fight them until the men themselves are put out of action.

It is to these dedicated, trained men standing here waiting to commission this ship that I address these remarks.

You men have worked diligently to get ready for this moment, absorbed totally in the details necessary to prepare this ship for her commissioning. Today, quite naturally, brings the culmination of your efforts, relief in a job well done, and hope for a more routine and less hectic future.

So, while we pause here for a moment in that transition from pre-commissioning detail to normal underway watches, I want to speak of the responsibilities you are about to assume.

Seated in this audience are members of the U.S.S. *Houston* Survivors Association and representatives from the city of Houston.

I would hope that the valor of these men and spirit of the citizens of Houston will serve as a model for you to emulate in all you do.

This will be the fourth U.S. Navy ship named *Houston*, not including the *Polaris* submarine, *Sam Houston*.

The first was a military freighter during the First World War.

But it is of the second ship named *Houston* that I want to speak. She was a special warship that distinguished herself during the dark, early days of the Second World War.

The second *Houston* was a heavy cruiser, built by Newport News and commissioned here in 1930.

On December 7th, 1941, when Pearl Harbor was attacked, *Houston* was the flagship of the U.S. Asiatic Fleet. She was soon in combat, for the Navy that remained after that day of infamy was stretched thin across the ocean, and the Japanese expansion throughout the western Pacific was proceeding at a relentless pace.

She engaged in a month-long series of skirmishes with the Japanese in the Java Sea in February 1942, as the combined American, British, Dutch, and Australian navies fought vainly to stem the Japanese onslaught.

Her record during that time was admirable; but it was her last battle, later that month, that concerns us most.

On the 26th of February, the cruiser *Houston*, with four other allied cruisers and 10 destroyers, set sail to face a major Japanese invasion force approaching the island of Java. Late that afternoon, they met a Japanese force of four cruisers and 13 destroyers escorted by land-based aircraft.

In the torpedo and gunfire battles which followed, three allied ships were destroyed. The force disengaged, and the destroyers, their torpedoes expended, were ordered back to base. With no destroyer protection left, the four remaining allied cruisers, including *Houston*, turned back towards the enemy in a last attempt to stop the invasion.

At eleven o'clock that night, the cruisers again engaged the Japanese surface group. On parallel courses, the opposing units opened fire. Two Dutch cruisers were torpedoed and sank, carrying their captains, their crews, and the fleet commander down with them.

Before losing contact with the two remaining cruisers, including *Houston*, the fleet commander ordered them to retire. They did, but the next day they left port to try to escape the Java Sea. Enroute they surprised the Japanese invasion force landing troops on the island.

It was close to midnight when the two ships turned to engage steaming boldly and alone towards the Japanese.

The cruisers were almost torpedoed as they approached the landing area, but they evaded every weapon. They then sank one transport and forced three others to beach.

Unfortunately, a Japanese destroyer squadron blocked their means of retreat, and two large Japanese cruisers entered the fight.

The result was foreordained, but *Houston* and the cruiser *Perth* fought valiantly. *Perth* was hit first, and in less than an hour had been sunk.

*Houston* then fought on alone, her guns blazing in the night at the enemy all around her. Just after midnight, she took a torpedo hit and began to lose headway. During this time, her gunners scored hits on three different destroyers and sank a minesweeper, but she suffered three more torpedo explosions in quick succession. Her captain was killed by a bursting shell, and as the ship came to a stop, enemy destroyers swarmed around her, machine gunning the decks.

A few minutes later, the gallant *Houston*, her name written imperishably in the records of heroism, rolled over and sank, her ensign still flying.

Of the crew of 982 men, 500 went down with the ship, 222 died of exposure, and 260 survived to be held in Japanese prison camps until the end of the war. These are the men of the U.S.S. *Houston* Survivors Association.

Because she died alone, *Houston's* fate was not known by the world for nine months, and the full story of her courageous fight was not fully told until the survivors returned home at the end of the war.

But in May of 1942, only four months after her loss, the true spirit of the people of Houston, Texas, was revealed by their response to the news of the loss of "their" ship. On the 30th of that month, one thousand men from the city were sworn into the Navy on the corner of Main and Lamar streets to symbolically replace the lost crew. In addition, by later that year, the Houston War Bonds Committee had raised \$85 million. Not only was this enough to pay for the construction of a third U.S.S. *Houston*, but there was enough left over to pay for a

light aircraft carrier, the U.S.S. *San Jacinto*.

The third *Houston* was also a cruiser and was also built here by Newport News. She joined the Fleet in the Spring of 1944, and built up an impressive record as the U.S. Navy moved slowly up the Pacific Islands. Finally, she was hit by the Japanese during an attack on Formosa in October of 1944. But through the actions of her crew, she was kept afloat even in the face of additional Japanese attacks. After temporary repairs, she eventually made it back to New York and was ready to rejoin the Fleet when the war ended. She was mothballed in 1947 and stricken from the Navy list in 1959.

Now, with you men, the traditions of these two former *Houstons* will pass to a nuclear powered attack submarine, and that seems fitting, for our submarine force stands guard at the outer reaches of the oceans, protecting American interests as did the *Houston* of 1941. And if our naval forces are sent into combat, an attack submarine most likely will be, as it was for the British in the Falkland Islands crisis, the first of our ships to see action.

Today, as *Houston* officially joins the fleet, she becomes the 485th ship in the force and the 91st nuclear attack submarine.

This Administration's stated goal is to build to and maintain a fleet of 600 ships, of which 100 are to be nuclear-powered attack submarines. We are rapidly reaching that submarine goal, but we must not rest on our laurels. Many of the boats that form that force were procured in very large quantities during the past years. Thus, they will begin to retire in equally large annual quantities.

I support the Administration's shipbuilding goals and will do what I can to see they are achieved and maintained, but to sustain them, we must be authorizing submarines at a minimum rate of three to four per year. For the last two years, however, we have authorized only two per year. We must improve upon that. In fact, we must sustain greater building rates in all of the ship types in the force, even if this means a larger shipbuilding account, and concurrently, a larger defense budget.

For the last 10 years, the Soviets have maintained a submarine building rate of 12 subs per year. They have a total submarine force of 360 boats. Their surface ship building rate has been 18 per year and their total navy now numbers over 2000 ships. Moreover, we can see that each new class of ship they build is larger, more heavily armed, and more wide-ranging than its predecessor. In some cases they are even more capable than our own.

It takes decades and a broad, deep commitment to build an effective, open ocean Navy. The Soviets have obviously made that commitment, and it is our challenge and our duty to make the investments now that will permit our own fleet to maintain the edge we, as a maritime nation, must enjoy on the oceans of the world. And we must maintain that fleet not only in its total size but also in the individual capability of each vessel and in the training and morale of our sailors.

While the Soviets may have more of certain ships than we do, the edge we currently maintain, in my mind, comes from the balanced mix of ships we have, and more importantly, from the spirit, training, and dedication of the men who man the ships of the United States Navy.

These are the achievements we celebrate today—valor, determination, sacrifice—

achievements by ordinary Americans working together under extraordinary circumstances to protect themselves, their families, and their nation.

Soon you men will sail forth to assume your rightful place in the fleet, and you will carry with you the traditions and accomplishments of those who have been before you. Guard them. Honor them. Heed them. And pass them on to those who follow. And I am confident as I look at you now, that you will add to those traditions, should your shipmates or your country call you.

It is my distinct pleasure and honor to have been with you on this memorable occasion, and I wish you the best of luck. I would close only with the words of Joseph Conrad.

"And now the old ships and their men are gone; the new ships and the new men, many of them bearing the old auspicious names, have taken up their watch on the stern and impartial sea, which offers no opportunities but to those who now how to grasp them with a ready hand and undaunted heart."

I wish you fair winds and following seas.  
Godspeed.●

#### DAKOTA AMERICAN INDIAN MOVEMENT ENCAMPMENT

● Mr. PRESSLER. Mr. President, I rise today to express concern about the Dakota American Indian Movement's encampment in the Black Hills of South Dakota. This camp, which is commonly known as Yellow Thunder Camp, was established 18 months ago. Several members of the American Indian Movement set up the camp about 12 miles outside of Rapid City, S. Dak. They are seeking to gain possession of 800 acres of land within the Black Hills National Forest. They are seeking the land for religious and cultural activities.

Winter is approaching, and the Yellow Thunder Camp continues to exist. The residents of the camp survived last winter with insulated teepees, wood stoves, and one wooden shelter. The residents are determined to gain title to the 800 acres of land within the Black Hills. However, this land has been the subject of a long legal battle which resulted in a determination that the Sioux Indians were entitled to \$105 million in compensation.

As a Member of the U.S. House of Representatives, in 1978, I supported legislation to reopen the question of the claim to the Black Hills. I worked with the tribal leaders in that matter as I believed that the pursuit of legal avenues was the best means of dealing with the claims to the Black Hills.

A long history of treaties, agreements, and court actions is involved in the Sioux Nation's claim to the Black Hills. The Sioux Indians have claimed for over a century that the U.S. abrogated the Fort Laramie Treaty of 1868 in which the United States pledged that the Great Sioux Reservation—including the Black Hills—would be set

apart for the absolute use of the Sioux Indians.

The Fort Laramie Treaty established the Great Sioux Reservation and stated that no unauthorized persons would ever be permitted to reside in that territory. The treaty also stated that no later treaty for the cession of any portion of the reservation described would be valid unless executed by at least three-fourths of all the adult male Indians occupying the reservation.

With the discovery of gold in the Black Hills, the Federal Government began negotiations for mining rights but was unsuccessful in its attempt.

In 1876, a Commission on Indian Affairs traveled to the Black Hills with a prepared treaty which provided that the Sioux would relinquish their rights to the Black Hills and other lands west of the 103 meridian, as well as their rights to hunt in territories off the reservation, in exchange for subsistence rations. This treaty which was presented to the Sioux chiefs was signed by only 10 percent of the adult male Sioux population. This agreement became law in the act of 1877. Since that time the Sioux have viewed the act of 1877 as a breach of the Nation's obligation to reserve the Black Hills for occupation by the Indians and an abrogation of the provisions of the Fort Laramie Treaty. However, Congress had not enacted any means by which Indian tribes could litigate a treaty against the United States.

In 1920, Congress passed special jurisdiction legislation which provided the Sioux Indians the forum they needed, and in 1923 a petition was filed with the Court of Claims alleging that the Government had taken the Black Hills without the just compensation required under the fifth amendment to the Constitution.

In 1942, the Court of Claims dismissed the claim, stating that the act of 1920 did not authorize them to determine the issue of whether adequate compensation had been awarded for the Black Hills. They found this to be a moral issue and thus outside their jurisdiction.

In response to this decision, Congress passed legislation creating an Indian Claims Commission. This Commission would hear and determine all tribal grievances. In 1974, this Commission concluded that Congress had acted pursuant to its power of eminent domain in the 1877 treaty and must therefore pay the Indians just compensation for the Black Hills.

The Government of the United States appealed the decision claiming that the rule of res judicata barred the Sioux's claim. Res judicata is a legal term which refers to the fact that once one has litigated a case and accepted a final judgment, one cannot come back into court and seek the same relief.

The Court of Claims ruled that the 1942 claim had reached a final judgment and thus the legal rule of res judicata prevented review of the Sioux Nation's claim. The court also stated that only Congress could correct this situation.

It was at this time that I worked closely with the tribal leaders and supported legislation in the U.S. House of Representatives which waived the rule of res judicata so that the Sioux Nation's claim could be heard.

This 1978 legislation provided for de novo review by the Court of Claims so that new evidence could be admitted. After the passage of this statute, the Court of Claims reviewed the Indian Claims Commission's award and agreed that the Sioux were entitled to interest on the \$17.1 million determination they had been granted in 1877.

The Government of the United States appealed this decision to the U.S. Supreme Court. During the October term of 1979 the Supreme Court—the highest court in this land—reviewed the Sioux Nation's claim. The opinion issued by the Supreme Court traced all the treaties and agreements as well as all previous claims and legislative actions, quoting my comments on the floor of the House with regard to the waiver of res judicata. The Supreme Court determined in this 1980 opinion that the Sioux were entitled to the award increase granted by the Court of Claims.

I consider *U.S. v. Sioux Nation of Indians*, 100 S. Ct. 2716 (1980), to be the final settlement on this issue. I am proud to have played a part in gaining the Sioux Indians the right to have their claim heard and a final determination made.

The individuals currently residing at the Yellow Thunder Camp in the Black Hills do not represent the tribal governments which I have worked with on this matter. I believe that the Federal and State authorities have been most patient in dealing with this encampment and that the time has come for the members of this camp to discontinue their occupation of Federal land.●

#### THE BLANKET AMNESTY FOR ILLEGAL ALIENS

● Mr. EAST. Mr. President, the House Committee on the Judiciary recently approved H.R. 6154, the so-called Immigration Reform and Control Act of 1982, which contains a blanket amnesty for illegal aliens. Congressman WILLIAM J. HUGHES and Congressman HAROLD S. SAWYER, along with 10 other members of the committee, disagreed with the decision to grant mass amnesty. They take the position, which I find convincing, that we must devote greater resources to enforcing our immigration laws.

Amnesty would make a bad problem worse. I hope that all of my colleagues will read the views of these distinguished public servants before the Senate again considers immigration legislation. I ask that their views be placed in the RECORD at the conclusion of this statement.

ADDITIONAL VIEWS OF CONGRESSMAN WILLIAM J. HUGHES FOR THE HOUSE JUDICIARY COMMITTEE REPORT ON H.R. 6514, THE IMMIGRATION REFORM AND CONTROL ACT OF 1982

The Select Commission on Immigration and Refugee Policy (1979-81) recommended that Congress consider an amnesty program for illegal aliens, but in order to discourage an "amnesty migration" to the United States the Commission recommended that first an immigration enforcement system be in place.

No such enforcement system is in place.

More than ever before in American history the nation faces overwhelming migration pressures from the Third World. Border agents are literally overrun on the Mexico border. Immigration inspectors cannot control tourists and visitors who enter as "non-immigrants" at U.S. airports and landports and then "disappear." INS investigators cannot curtail a booming business in alien smuggling, false documents, marriage frauds, and placing "undocumented" aliens in U.S. jobs.

Meanwhile, the enforcement capabilities of the Immigration Service have actually diminished due to congressional neglect and presidential politicking.

In 1976 there was on duty an investigative force of 1268, by 1982 the number had dropped to less than 670.

In 1976 there were 1435 on-duty inspectors, in 1982, 1420.

Only the on-duty Border Patrol force has shown a slight increase, 2,310 in 1976, compared to some 2,600 in 1982.

In all, the INS currently has scarcely 4,600 persons in the enforcement branch, and many of these are desk jobs.

Furthermore, the Reagan Administration, under its policy of fiscal restraints, has no plans to increase the personnel of any federal agency—except on one condition. If the present immigration bill, with employer sanctions becomes law, then possibly 500 investigators would be added to enforce it. But such is the parsimony of the Administration that it would exempt from sanctions employers of three or less illegal aliens in order to cut enforcement costs. Also to economize, it would prefer to use existing Department of Labor inspectors to enforce sanctions, not on illegal aliens, but on employers.

Mr. Richard L. Bevans, President, National Border Patrol Council, sums up the dismal enforcement situation as follows (letter July 22, 1982):

"... illegal immigration has been out of control for several years and will inevitably mushroom upon the adoption of any form of broad-scale amnesty. ...

"If the Justice Department policies, prohibiting assistance by state and local law enforcement agencies while creating de facto sanctuaries in residential areas and places of employment, are continued, this country will be inundated by illegals at a time when record numbers of U.S. citizens and legal resident aliens are unemployed.

It is not merely that the Immigration Service lacks control over borderlands, seacoasts, and ports-of-entry, but the Federal

Government has no immigration control over immigrant colonies. The truth is that it hardly knows what is going on there. Neighborhood immigration searches are virtually banned by the Civiletti directive of November 26, 1979, done in preparation for the 1980 census but still in effect. Furthermore, cooperation from local law enforcement agencies in migration control is held to the minimum by the Bell directive of June 23, 1978, still in force. (See attachments.)

Such considerations suggest that if an immigration control bill were to succeed in shutting off the magnet of Third World immigration colony it would have to provide for specific measures of community area control, or otherwise have the full support of the Administration for a heavy increase in immigration manpower and the issuance of new migration control directives. Instead the Administration seems committed to hold the line against increased personnel or budgetary resources for all federal agencies.

The foregoing gets down to the bedrock question: to what extent can the Immigration Service establish some semblance of area control in immigrant neighborhoods given such factors as the following: outstanding hands-off directives, the simple lack of area-control investigators the lax system of not enforcing penalties on illegal entrants, the inability of administration officials and legislators to grasp the dynamics of Third World migration, and the mind-set of the Administration against substantial increases in immigration enforcement personnel. (As a rule of thumb, immigration officers estimate that it would take three times as many inspectors, investigators, border patrolmen, and anti-smuggling agents, to get a grip on the surreptitious flow into immigrant colonies.)

To elaborate on but one of the foregoing factors, namely the enforcement deficiencies of the Immigration Service with respect to immigrant settlement areas. In 1976, the INS had about 1268 investigators on duty. That number considered woefully inadequate then, should be compared to the 670 investigators, or less presently on duty. These numbers after all seem to express a federal policy, established during the Carter administration, of hands-off immigrant colonies. Politicians cultivating the new ethnic vote, including congressmen, governors, mayors, (one could append a long list of names here) now would have it no other way. It's a good stand to be against a "police state."

In view of the present dismal enforcement situation with respect to immigration control, I believe it would not be wise for Congress to approve of a controversial mass amnesty program that most likely lead to future amnesty demands. Instead, I think Congress would be well-advised to follow the recommendation of the Select Commission on Immigration and Refugee Policy, that is, put an immigration enforcement system in place before going ahead with any broad amnesty plan.

WILLIAM J. HUGHES.

Still in effect.

NOVEMBER 26, 1979.

To: David Crossland, Acting Commissioner, Immigration and Naturalization Service.  
From: Benjamin R. Civiletti, Office of the Attorney General.

Subject: Policy Concerning INS Residential Area Control Investigations.

I have had extensive consultation with you and other senior officials of the Immigration and Naturalization Service (INS) and have carefully reviewed INS policies

concerning Residential Area Control Investigations such as were conducted by the Los Angeles district offices until mid-October.

As a result of that review and those consultations, and because I believe that the limited INS resources available for area control investigations should be focused primarily on employed undocumented aliens at their places of employment, I am approving your recommendation to modify INS procedures to preclude residential area control investigations except in unusual circumstances.

Effective at once, immigration officers will not seek out undocumented aliens in places of residence by routine area control investigations, but only in unusual circumstances. Examples of such circumstances would be smuggling operations centered in a residence; ill-treatment or physical harm to undocumented aliens or others; fugitives misusing a residence for concealment; instance of flagrant abuse of the immigration law, and such exceptional situations as the urgent current effort to identify out-of-status Iranian students because of the crisis abroad.

Even in such unusual circumstances, there must be reasonable ground to believe that a violation of immigration law has occurred. In order to assure that these policies will be effected, I request that you modify operating procedures so as to require a written articulable basis for the reasonable ground standard for the authority of each specific residential investigation. I further request that such written authority be subject to review of a government attorney.

This policy is particularly important in light of the 1980 decennial census. . . .

NOTE.—Virtually prohibits cooperation in immigration control between local enforcement agencies and the Immigration Service Still in effect.

#### OFFICE OF THE ATTORNEY GENERAL

Press release June 23, 1978

Attorney General Griffin B. Bell today reaffirmed the Department of Justice policy that the responsibility for enforcement of the immigration laws rests with the Immigration and Naturalization Service and not with state and local police.

INS officers are uniquely prepared for this law enforcement responsibility because of their special training and because of the complexities and fine distinctions of immigration laws, Mr. Bell said.

The Attorney General stated that the Department would continue to urge state and local police forces to observe the following guidelines:

1. Do not stop and question, detain, arrest or place "an immigration hold" on any persons not suspected of crimes, solely on the grounds that they may be deportable aliens;
2. Upon arresting an individual for a non-immigration criminal violation notify the Service immediately if it is suspected that the person may be an undocumented alien so that the Service may respond appropriately;

INS officials will continue to work with state and local law enforcement officials to carry out this policy.

#### DISSENTING VIEWS OF HON. HAROLD S. SAWYER FOR THE HOUSE JUDICIARY COMMITTEE REPORT ON H.R. 6514, THE IMMIGRATION REFORM AND CONTROL ACT OF 1982

While acknowledging the very substantial amount of work which the Subcommittee on Immigration, Refugees and International Law has done on H.R. 6514, I must respect-

fully but strongly dissent with the Judiciary Committee's action to report the bill for further consideration by the House of Representatives. This long and complicated piece of legislation proposes comprehensive and, in some instances, controversial revisions in five major areas of America's immigration policy. H.R. 6514, and its companion bill which has passed the Senate (S. 2222), provides sanctions against employers who hire illegal aliens, set procedures for the adjudication of asylum, exclusion, and deportation cases, revises the limits of legal immigration into this country, and establishes guidelines for the use of seasonal and temporary alien workers. While room exists to correct certain flaws in these four sections, they basically represent a sound attempt by Congress to regain control of our borders and to rationalize our inconsistent immigration policies.

It is the fifth and final section of H.R. 6514, however, which greatly concerns me and which prompts my strenuous dissent. This section proposes that illegal aliens who have resided in this country for a certain number of years will be granted a legalized status from which they may eventually apply for United States citizenship. Legalization raises many serious questions, questions which, I feel, are not adequately answered by this legislation or its proponents.

While admitting that it is virtually impossible to accurately calculate the number of illegal aliens in this country, a variety of reliable sources have estimated that there are at least three million and as many as twelve million undocumented aliens in the United States today. A reasonable estimate appears to be six to eight million aliens, although some government officials now calculate that one million new illegal aliens enter the country each year.

Given these huge numbers, it seems apparent that mass legalization will not work, practically speaking, and it could, in fact, have very serious repercussions at the federal, state, and local levels. Offering a blanket amnesty to the millions of people who have illegally entered and hidden in the United States will simply not solve the problem of illegal immigration. It is a "solution" born of convenience, but it is no more workable an idea than if Congress decided to eliminate America's crime problem by repealing all our criminal laws.

I am particularly disturbed by the thought of what will happen if the amnesty provisions in H.R. 6514 become law. What if five or six million aliens decide they are eligible for one of the two new resident alien statuses? Who will handle the enormous amount of paperwork, interviews, investigations, and adjudications which will be required to properly process these individuals toward valid citizenship? Practically every Member of Congress is painfully aware that the Immigration and Naturalization Service is currently understaffed and swamped with backlogs of cases which date back several years. How can we realistically expect INS to deal with mass amnesty even if only one million illegal aliens come forward?

Conversely, if only 25 percent of those eligible illegal aliens do apply for residents status as some have suggested, then what will amnesty have accomplished? Certainly the negative political, social, economic, and administrative effects will be reduced, but this will still leave 75 percent of the problem unsolved. This argument in support of amnesty makes it even more apparent that legalization is no solution at all.

H.R. 6514 contains no specific provisions for substantially reorganizing and improving the Immigration and Naturalization Service, but even if it did hypothetically speaking, how INS verify the residency claims of these millions of illegal aliens? According to the bill, aliens may apply for permanent resident alien status if they have lived in the United States continuously since before January 1, 1977. If the alien has resided here from between January 1, 1977, and January 1, 1980, he or she may apply for temporary resident alien status. In thousands of these cases, however, how will these claims be proved to be true? Many of these individuals have hidden inside this country by continuously moving, by dealing only in cash, and by using false identification documents. Because the Subcommittee on Crime on which I am the ranking Republican has reported out a comprehensive bill to combat the use of false identification documents (H.R. 6946), I am very familiar with the ready availability and widespread use of very sophisticated-looking but totally fraudulent Social Security cards, birth certificates, green cards, and driver's licenses. How can we expect the INS to investigate the authenticity of the thousands of false documents and unprovable claims which will be offered as the officers screen these aliens for residency eligibility, mental illness, ill health, or criminal background?

Yet another major concern with the amnesty provisions in H.R. 6514 is the impact they will have on legal immigration. Recalling the backlog of immigration applications currently swamping the INS, is it appropriate for the United States to offer citizenship

to individuals who have broken the law by illegally entering and remaining in this country while others have waited patiently for several years to come here legally? Won't amnesty, in fact, discourage legal immigration and encourage the easier, cheaper, and faster alternative of illegally entering this country? It is arguable that aliens will use any number of prohibited ways to enter this country in the hope that another amnesty will be declared again by future Congresses. Are we setting a bad precedent which will be followed in the years to come?

Finally, if, as is possible, millions of aliens do apply for legal resident status, how will this affect state and local governments? Amnesty could result in huge sudden financial, structural, and manpower burdens on education, welfare, and criminal justice systems. Since the federal government exerts primary responsibility for refugees, should it also assume the responsibility for the impact that legalization will have on particularly hard-hit states like California, Texas, and Florida? Can Congress, in the face of cross-the-board cut-backs elsewhere in the economy, justify the payment of billions of dollars in federal aid to communities for its granting of amnesty to millions of illegal aliens? If the federal government does not supply this impact aid, is it realistic to assume that state and local taxpayers can and will take on this burden? In addition to all the other problems, the financial costs of amnesty clearly make this proposal totally unworkable.

For all these reasons, the amnesty provisions in H.R. 6514 must not be enacted into law. Instead, Congress should specifically

act to substantially increase the resources of the Border Patrol and the INS. (See supporting attachment.) Both agencies should get more personnel, better equipment, and improved facilities. These agencies must, in particular, have access to computer systems which record the entry, movement, and exit of aliens in this country and which can check the validity of an identification document in a matter of minutes. In addition Congress should change the date of voluntary alien registry from 1948 to January 1, 1973. This would allow many illegal aliens to apply for resident status by showing ten years of continuous residence. By changing the registry date, established INS procedures could be used, fraud would be more easily detected, and a sudden, administrative overload would be unlikely. If employer sanctions could be put in place for three years, the results could be studied and the registry date might be changed to 1975 or another appropriate year, if it is evident that illegal immigration is being stopped or reduced.

In conclusion, let me say that the motive behind the amnesty provisions in H.R. 6514 is well-intentioned, but the negative impact of these provisions will be enormous if this legislation is enacted. Congress must move slowly and carefully on this complex issue. As with so many other problems facing our country, a "quick fix" is not a solution. As presently drafted, H.R. 6514 contains a quick fix to the problem of amnesty and because of this I cannot support its passage.

HAROLD S. SAWYER.

#### BORDER PATROL AUTHORIZED AND ON-DUTY FORCE CHART

	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971
Immediate border:												
Total authorized	2,690	2,694	2,694	2,510	2,231	2,427	2,434	2,236	2,122	2,005	2,030	1,859
Officer corps	2,313	2,287	2,290	2,145	2,078	2,057	1,979	1,803	1,739	1,704	1,634	1,565
Support	377	407	404	365	243	370	455	433	383	301	396	294
On duty total	2,389	2,456	2,007	2,222	2,347	2,310	2,118	2,032	1,953	2,067	1,858	
Officer corps	2,093	2,173	1,748	1,989	1,990	1,878	1,708	1,665	1,660	1,664	1,564	
Support	296	283	259	233	357	432	410	367	293	403	294	
Other than border:												
Total authorized	200	182	221	221	159	NA	NA	NA	NA	NA	NA	NA
Officer corps	175	157	194	194	111	NA	NA	NA	NA	NA	NA	NA
Support	25	25	27	27	48	NA	NA	NA	NA	NA	NA	NA
On duty total	169	180	187	123	NA	NA	NA	NA	NA	NA	NA	NA
Officer corps	147	156	161	86	NA	NA	NA	NA	NA	NA	NA	NA
Support	22	24	26	37	NA	NA	NA	NA	NA	NA	NA	NA
Total both programs:												
Total authorized	2,890	2,876	2,915	2,731	2,480							
Officer corps	2,488	2,444	2,484	2,339	2,189							
Support	402	432	431	392	291							
On duty total	2,558	2,636	2,184	2,345								
Officer corps	2,240	2,329	1,909	2,075								
Support	318	307	285	270								

#### IMMIGRANT INSPECTORS—AUTHORIZED AND ON-DUTY FORCE

	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971
Authorized <sup>1</sup>	1,357	1,559	1,544	1,667	1,547	1,547	1,491	1,367	1,342	1,358	1,346	1,312
On duty <sup>2</sup>	1,421	1,489	1,501	1,474	1,389	1,477	1,435	1,302	1,261	1,290	1,241	1,288
Persons inspected in millions (aliens and citizens) <sup>3</sup>	* 339	329	309	273	277	266	272	258	267	260	246	238

<sup>1</sup> Figures are approximate up to fiscal 1977 because examiners were mixed in with inspectors. After that date 2 separate categories were established. Fiscal year 1982 is unusual in that the Office of Management and Budget agreed to fund more than the authorized number of inspectors.

<sup>2</sup> These are average numbers since on duty numbers fluctuate during any given year.

<sup>3</sup> Inspection workload has increased because of volume increase and because more aliens arrive by air which requires more inspectional care. In 1971 6,000,000 aliens arrived by air and 9,000,000 citizens. In 1981 the numbers were not only much higher but in reverse proportion, 18,000,000 aliens arriving by air and 14,000,000 citizens.

\* Estimate.

Source: Inspections Division, U.S. Immigration and Naturalization Service.

#### INVESTIGATIONS DIVISION AUTHORIZED AND ON-DUTY FORCE CHART

	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971
Investigations program:												
Authorized force	796	796	834	923	1,037	1,037	1,345	1,304	1,329	1,215	1,219	1,113
Officers	637	648	667	736	747	747	992	962	980	896	892	811
Support	159	148	167	187	290	290	353	342	349	319	327	302

## INVESTIGATIONS DIVISION AUTHORIZED AND ON-DUTY FORCE CHART—Continued

	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971
On duty <sup>1</sup>												
Officers		703	772	864	971	977	1,268	1,229	1,098	1,145	1,108	986
Support		594	633	696	699	704	935	907	810	844	811	718
Status verification:		109	139	168	272	273	333	322	288	301	297	268
Authorized force:							NA	NA	NA	NA	NA	NA
Officers		256	256	268	297	323	NA	NA	NA	NA	NA	NA
Support		205	208	215	237	233	NA	NA	NA	NA	NA	NA
On duty <sup>2</sup>		51	48	53	60	90	NA	NA	NA	NA	NA	NA
Officers		226	248	278	302	305	NA	NA	NA	NA	NA	NA
Support		191	204	224	218	220	NA	NA	NA	NA	NA	NA
Grand total:		35	44	54	84	85	NA	NA	NA	NA	NA	NA
Authorized force:												
Officers		1,052	1,052	1,102	1,220	1,360	1,345	1,304	1,329	1,215	1,219	1,113
Support		842	856	882	973	980	992	962	980	896	892	811
On duty		210	196	220	247	380	380	353	342	349	319	327
Officers		929	1,020	1,142	1,273	1,282	1,268	1,229	1,098	1,145	1,108	986
Support		785	837	920	917	924	935	907	810	844	811	718
		144	183	222	356	358	333	322	288	301	297	268

<sup>1</sup> Number on duty at the end of the fiscal year, Sept. 30. As of Feb. 20, 1982, only 666 investigators, including support personnel, were on duty, meaning that 130 authorized positions remained unfilled by the administration's Office of Management and Budget.

<sup>2</sup> Status verification investigators, who totaled 208 on-duty positions in February 1982, do not participate in area control activities but, in conjunction with examinations branch, do background checks on aliens seeking benefits, such as adjustment of status, parole, or naturalization.

Source: Investigations Division, U.S. Immigration and Naturalization Service.

### VIEWS ON THE TAX AND SPENDING REDUCTION BILL

● **Mr. ARMSTRONG.** Mr. President, Rudolph Penner, resident scholar at the American Enterprise Institute, wrote one of the most insightful articles about the significance of last month's victory on the tax and spending reduction bill.

Although I do not agree with all the views of Mr. Penner, I agree with his basic conclusion that last month Congress—for the first time in years—proved its willingness and commitment to properly govern the Nation, and that a lion's share of the credit for doing so belongs to Senator ROBERT DOLE of Kansas.

I urge my colleagues to read the article.

The article follows:

[From the New York Times, Sept. 12, 1982]

#### THE BILL THAT SAVED THE BUDGET PROCESS

(By Rudolph G. Penner)

Last February I wrote that the Congressional budget process was dying. It was. Congressional decision-making processes were in disarray and the legislators and their staffs were in a blue funk.

While the budget process suffered through some severe crises in the spring and summer, it did survive and may, in fact, emerge stronger than before, though many perils remain.

The problems originated in 1981. The spending and tax decisions taken at that time put the nation on a course toward budget deficits that exploded in the long run even if one made relatively optimistic economic assumptions. That led to a politicians' nightmare—an election year in which the only available option was to cut programs and to take back some of the earlier year's tax cuts. What was worse, these unpleasant actions had to be taken when unemployment was at a post-World War II high.

Old Washington hands refer to election years as "silly seasons." The prospects of doing anything sensible generally declines precipitously in even-numbered years. But something very unusual happened this time. Our legislators became very, very serious.

Some courageous spending-cut proposals emerged from the budget committees, but the most difficult problem involved translating the budget resolution into legislation that would raise tax revenues.

The man who deserves the most credit for making the budget process work was Senator Bob Dole, Republican of Kansas. As chairman of the Senate Finance Committee, he might not have been expected to rescue a budget process, which typically creates political problems for the chairmen of the tax writing committees.

Showing great legislative skill, Mr. Dole drafted a tax bill that made a huge dent in a long-run deficit problem that was hanging over the economy like the sword of Damocles. Moreover, the bill that was crafted made pretty good sense. While it was far from perfection, it was certainly far better than what seemed likely earlier in the proceedings. Earlier Mr. Dole was toying with the notion of imposing a horrible corporate minimum tax and others advocated a burdensome personal surtax that would have greatly reduced the efficiency of the tax system.

The most important and desirable feature of the bill which emerged was that it took back some of the depreciation liberalization enacted in 1981. Reform in this area was badly needed, but that which occurred in 1981 was somewhat excessive. It could lead to negative tax rates or outright subsidies to certain types of equipment investment. These subsidies were enlarged unexpectedly because with the surprising fall of the inflation rate the real value of the new depreciation deduction was not eroded as rapidly as had originally been anticipated.

On the other side, the elimination of leasing was not desirable, in my view, because it deprives unprofitable businesses of the investment incentives conveyed to profitable companies by the 1981 act. Unfortunately, there was no way of selling that notion politically, since leasing had taken on the aroma of a particularly smelly loophole.

Nevertheless, although the taxation of capital remains an unholy mess with wildly different tax rates applying to different types of investment, I think that once the new tax legislation is in place the system will become slightly more efficient on balance. Other provisions of the bill will be debated endlessly, but the bottom line is that it does raise plenty of revenue. Moreover, it

raises the revenue in a way that poses a minimum threat to the economic recovery, since the bill does not have its main revenue impact until the mid-1980's.

Although Senator Dole operated with considerable skill, he could not have passed a tax bill by himself. He needed the support of President Reagan. The decision to provide enthusiastic support could not have come lightly to President Reagan. The most vehement antitax President in recent history was vulnerable to the accusation that he was doing a Carteresque flip-flop—something that he has tried desperately to avoid since the beginning of his Administration. Yet, he did what he had to do and it is clear that the bill would not have passed without his vigorous support.

In fact, President Reagan's change in attitude was quite unlike the frequent shifts in policy that bedeviled the Carter Administration. President Carter changed his theories of economics almost as frequently as he changed his neckties. He veered from expansionism to austerity, and some of his anti-inflation programs had a strong monetarist element while others did not.

This Administration's Adam Smith neckties are still firmly in place. It would be ingenious to call the President's support for such an important tax bill a fine tuning of his strategy. But it is only a little more than fine tuning. Perhaps it should be called coarse tuning. Most of his major economic goals remain in place. Inflation is going away. Marginal and average tax rates are lower than when he took office and they are likely to remain so throughout his first term. Defense spending is soaring and non-defense spending is constrained—although not as much as the President would like.

The bad news is that he could not do all that he promised. No President ever can. A huge unemployment and deficit problem remain.

There will have to be more spending cuts in our future and some more of the 1981 tax cuts will have to be taken back. Otherwise it looks as though we shall have to live with a deficit between 4 and 5 percent of the gross national product for a very long time compared with an average of around 2 percent during the 70's.

Given that the budget process was able to survive under extreme duress from the combination of an election year and a recession,

I believe that it can be the vehicle for considerably more deficit reduction during the deliberations on the 1984 budget that will occur next spring. With a bit of luck, a good recovery should be going by then and the political environment will be less divisive.

However, the decisions that have to be made get more difficult all the time. By 1985, defense, Social Security, health and interest costs will absorb almost 80 percent of the budget. Interest cannot be cut unless we default, and it is hard to see making much progress in reducing the deficit through spending cuts without attacking defense, Social Security and health. Social Security and health are devilishly difficult to restrain, even in nonelection years, but some modifications are vitally important. In addition, the President may have to do the same sort of coarse tuning to his defense program that he did to his tax program.

Given what happened this year, I have more confidence that we shall muddle through to an adequate solution than I have had for a good long time. Our decision-making institutions have shown themselves to be pretty resilient. They do not deliver perfection, but they do seem to avoid disasters.●

### THE TEXTILE INDUSTRY

● Mr. HEINZ. Mr. President, during this period when we all are concerned about jobs—how to preserve the ones we have and what we need to do in order to provide job opportunities in the future—it is important to underscore the importance of our basic industries to our Nation's economy.

The current downturn which our Nation is experiencing hopefully will be reversed as President Reagan's economic recovery program has a chance to work. In Pennsylvania we not only have suffered along with the rest of the Nation with the hangover from years of big spending, growing deficits, and inflation. But in addition, two of our basic industries, steel and textiles and apparel, have been devastated by a rising tide of imports. The current level of textile and apparel imports, for example, is the equivalent of 600,000 American jobs. The President and Senators and Congressmen from textile-producing areas are pressing hard for international trade agreements which will tie the growth of imports to growth of the domestic market and, thereby, create an atmosphere which will encourage the investments necessary to sustain a strong and growing textile industry.

The textile and apparel industry is the largest single manufacturing employer in Pennsylvania. Before the current downturn, more than 168,000 people in Pennsylvania were employed in that industry.

During the period from October 17 to 24, special attention will be focused on the textile industry as people throughout the Nation observe Textile Week.

Our textile industry has a proud tradition. It led the industrial revolution in this country, and throughout our

history it has provided the products and the jobs which have given America the highest standard of living in the world.

If positive steps can be taken now to improve the international trade climate, the textile industry will have a bright future. Textile manufacturers have been investing more than 80 percent of their retained cash flow into plants and equipment, about \$1 billion a year, over the past decade. As a result, productivity has increased at a rate of 4 percent per year, making ours the most productive textile industry in the world.

Textile jobs are particularly important because of the large numbers of minorities and women employed by the industry. The Bureau of Labor Statistics reports that minority employment in the textile industry is 23 percent compared with 18 percent in all manufacturing, and women working in textiles are 47 percent of the work force compared with 31 percent in all manufacturing.

Our Nation needs a large and growing manufacturing work force. During Textile Week it is most appropriate to recognize the importance of one of our most basic and essential industries.●

### A TRIBUTE TO THOMAS CUSH

● Mr. HEINZ. Mr. President, I would like to take a few minutes to recognize a great American from my home State of Pennsylvania.

This summer I had the distinct honor and privilege of meeting Thomas Cush. Tom is a winner and a leader. This past summer, Tom won two first place medals in international games held in Denmark. He also served as captain of the United States soccer team, defeating teams from England, Ireland, Scotland, and Canada.

Upon returning from the Denmark games, he began training for a race in Pittsburgh. Tom completed the 6.2-mile race in 1 hour and 20 minutes.

Today, Tom is training for the 1983 national games in Fort Worth, Tex., and the international games to be held in New York City.

These are outstanding achievements—particularly in light of the fact that Tom has cerebral palsy.

Because of the cerebral palsy, Tom has little control over the movements of his upper body. When Tom was 3 years old, his intellectual and physical abilities were tested. One test required him to place a round peg into a round hole. Because of his inability to control his movements, he failed the test. And he failed other similar tests.

Consequently, Tom was labeled mentally retarded. Later it was discovered that he could not hear or see well enough to pass other exams.

It was only after 9 years in a special school for the mentally retarded that

it was discovered that Tom, in fact, was very bright, and capable of matriculating in a normal educational program.

Once his handicaps were understood, a program was developed to meet his needs.

Today, at the age of 21, Tom anticipates completing his high school requirements. He intends to continue his schooling, working toward a college degree in either computers or counseling for the handicapped. He continues to work toward his goal of self-sufficiency, a challenging and rewarding career, and a normal life.

Tom has been, and continues to be, a tremendous inspiration to all of us who know him, and all of those who are aware of his great achievements. He has also encouraged other handicapped individuals, particularly as he continues to pursue seemingly impossible tasks.

Recently he attended a handicapped workshop at which he demonstrated archery. Tom does this by fastening the bow to one foot, and uses the other bare foot to pull the string and send the arrow to the target. Many of the handicapped observers had never envisioned such a feat was possible, but now are working toward it themselves.

Tom's parents and 11 brothers and sisters also should be recognized for their love, support, and encouragement to Tom. In addition, I commend those members of his community who contributed the \$1,200 necessary for Tom to make the trip to Denmark for the International Cerebral Palsy Games.

Indeed, Mr. President, Tom and his family provide an inspiration to all of us. I feel fortunate to have met this courageous young man.●

### VIETNAM VETERANS: AGENT ORANGE STUDY

● Mr. CRANSTON. Mr. President, the possible long-term health effects of exposure to agent orange have been a continuing concern to many Vietnam veterans, their loved ones, and others. In December 1979, Congress enacted a provision I authored in the Senate mandating the VA to undertake an epidemiological study of Vietnam veterans. Although there are other agent orange studies planned or ongoing, this study may be the single most important effort to provide needed answers.

Although all concerned wish the study had been completed yesterday, obtaining a study that is scientifically valid and publicly credible must be the bottom line. Unfortunately, each step of the path to initiating, let alone completing, the study has seemed interminable, and current estimates are

that initial results from the study will not be available before 1987.

As part of the law mandating the study, the Office of Technology Assessment—OTA—was assigned the responsibility to approve the protocol for the study and monitor the conduct of the study. As the ranking minority member of the Veterans' Affairs Committee, I recently received a September 30 letter regarding the study from John Gibbons, the Director of OTA, expressing certain concerns about the progress of the study. Because the points raised by OTA needed to be promptly addressed by the VA, on October 7, I wrote the Administrator of Veterans' Affairs requesting his views and comments on Dr. Gibbons' letter. I urged, as I had since June 1980, that responsibility for conducting the study be assigned to an independent entity, such as the National Academy of Sciences, the Centers for Disease Control—CDC—or a school of public health. I also urged prompt action and cited the need for improved coordination of internal VA activity, and establishment of clear lines of responsibility, regarding agent orange.

Mr. President, I am delighted to report that on October 14 the Administrator wrote Health and Human Services Secretary Schweiker proposing that the CDC undertake the study. In addition, on October 15 the Administrator approved a new organizational framework recommended by the Chief Medical Director to promote greater coordination and accountability in dealing with agent orange issues within the VA.

I believe that these steps can help expedite the initiation and completion of this badly needed, long awaited study. Thus, I urge the VA and the Department of Health and Human Services officials concerned to begin and complete as soon as possible discussions regarding the advisability of the CDC accepting responsibility for the study. If the decision is to go ahead, the agencies should proceed expeditiously to negotiate an agreement and finalize arrangements for the CDC to do so. If the decision is not to contract with CDC, I urge the VA immediately to begin discussions with the National Academy of Sciences toward the same end.

Mr. President, I ask that Dr. Gibbons' letter, my letter to the Administrator, the Administrator's letters to Secretary Schweiker, and House Committee Chairman MONTGOMERY, and the VA memorandum approved by the Administrator regarding reorganization of agent orange responsibilities be printed in the RECORD at this point.

The material follows:

OFFICE OF TECHNOLOGY ASSESSMENT,  
Washington, D.C., September 30, 1982.  
Hon. ALAN CRANSTON,  
Ranking Minority Member, Committee on  
Veterans' Affairs, U.S. Senate, Washing-  
ton, D.C.

DEAR SENATOR ALAN CRANSTON: Public Law 96-151 charges me with approving the protocol for and also with monitoring the conduct of an epidemiologic study of Agent Orange. On March 18, 1982, I wrote you of my tentative approval of the protocol and mailed you a copy of the Office of Technology Assessment (OTA) review that addressed some specific questions to the protocol designers. My subsequent letter of June 11, 1982, informed you of my satisfaction with the responses made to my questions by the protocol designers. Although some criticisms and reservations were expressed in the OTA review, the protocol, as amended, was judged a sufficient framework for moving ahead to planning and executing a pilot test of the full scale study.

As was evidenced at a hearing of the Subcommittee on Oversight and Investigations of the House Committee on Veterans' Affairs on September 15, 1982, little progress has been made in the study during recent months. This letter provides you with the OTA's perspective about where the study now stands.

My letter of June 11 stated that no decision had been made about whether or not to limit the epidemiologic study strictly to possible health effects resulting from exposure to Agent Orange or to expand the study to include possible effects of the "Vietnam experience." The decision between conducting an Agent Orange only study (two cohorts) and a study to include the Vietnam experience (three cohorts) is a responsibility mandated to the Veterans' Administration (VA) by Public Law 97-72. In our view, no further progress on the Agent Orange study can be expected until VA makes that decision about the basic design of the study.

For instance, refinement of the questionnaire, and of the physical and other medical examinations, which is to be accomplished during the pilot test, depends on whether the study focuses on the likely sequelae of exposure to a toxic substance or is expanded to consider also the sequelae of involvement in war. Soliciting bids from organizations competent to carry out the pilot study cannot, in my opinion, go forward until VA decides which study it will carry out.

At the September 15 hearings, VA explained that it had asked the National Academy of Sciences (NAS) to review the protocol for the epidemiology study. Completion of that review is expected in October, and VA has stated that it plans to make a decision between the two and three cohort design after it receives that review. The NAS review will be the fourth technical review of the protocol. VA has already received reviews from its own Advisory Committee on the Health-Related Effects of Herbicides, the Agent Orange Working Group (AOWG), and the OTA. In my mind, waiting on still another technical review of the protocol to make a policy decision seems unnecessary and can be viewed as a delaying tactic. As I pointed out in my June letter, if the study is to be expanded, OTA will have to review the protocol for the study because no protocol for a three cohort study has been submitted to us.

Testimony and questions at the September 15 hearings drew attention to the difficulties of assembling the cohorts for the epidemiology study. There is general agree-

ment that Army records experts are the people best qualified to locate the appropriate records and to identify veterans who were likely to have been or likely not to have been exposed to Agent Orange. The general outline for a plan to identify those individuals was developed by Dr. J. Bricker of the Department of Defense. The outline was well received by AOWG and was accepted by the designers of the protocol as a basis for assembling the cohorts.

On April 8, 1982, Richard Schweiker, Chair, Pro-Tem, Cabinet Council on Human Resources, which encompasses AOWG, wrote the Secretary of Defense and recommended that efforts be initiated to identify individuals for cohorts in preparation for the pilot study. Following receipt of that letter, the Department of Defense, with the Department of the Army as the lead agency, increased the number of personnel assigned to the job of identifying members of the cohorts. On July 1, 1982, the Army began identifying three cohorts of 600 veterans each for the pilot study. In mid-July, VA objected to the criteria the Army was planning to use to identify the members of the cohorts. Immediately, the Army stopped its efforts to assemble cohorts and awaited additional guidance from VA or other responsible agencies. If the Army erred in its choice of selection criteria, it did so only after making several requests of the VA and AOWG for advice and guidance. VA did not respond to the Army requests. However, when the Army began assembling cohorts, VA reacted very negatively because, in the VA's opinion, the Army was not doing it correctly.

Shortly after the Army stopped its cohort assembly effort, AOWG established a subcommittee to prepare detailed criteria for selecting the cohorts. Turning to AOWG to develop the criteria for cohort selection has the advantage of enlisting the expertise present in the working group, but it also will result in AOWG's participation as a designer of part of the study. While this may be necessary and desirable, it reduces AOWG's ability to function as a review group for study design and execution.

Similar concerns about the role of the AOWG can be raised about its activities in the review of the protocol. The charge to AOWG was to review the protocol. While it did that, it also urged expansion of the study to three cohorts. Whether such urging was part of the review function or a step into designing the study is a matter of opinion. However, the action raised the possibility that a group charged with review was participating in the design of the study. Such a change in role would, of course, hamper AOWG review activities.

In actuality, there is no conduct of the Agent Orange study for OTA to monitor at the present time because the study does not yet exist. The initiation of the study depends on decisions and actions that are the responsibility of VA. OTA agrees with the opinions expressed at the September 15 hearings that VA should add to its staff the appropriate people to aid in making decisions on matters such as the third cohort and the selection of individuals for the cohorts. Because of VA's failure to make those decisions, other groups with an interest in the Agent Orange are being pushed to act on their own. I think that the resultant activities are already blurring lines of responsibility.

Until VA makes the policy decisions that are mandated to it and equips itself to make technical decisions and plans, the Agent

Orange study will not move ahead. Other groups (AOWG, OTA, NAS) are constituted to review VA decisions and plans. However, as VA is responsible for the study, the review groups should be advisers and reviewers, not planners. The roles of planner and decisionmaker properly belong to VA, and VA should fill that role promptly so that other groups are not pulled into the void left by its inactivity.

Should you or your staff have any questions about the OTA analysis of the current status of the Agent Orange study, please contact me, Dr. Michael Gough (project director of the OTA review) or Ms. Hellen Gelband at 226-2070.

Sincerely,

JOHN H. GIBBONS.

COMMITTEE ON VETERANS' AFFAIRS,  
Washington, D.C.

HON. ROBERT P. NIMMO,  
Administrator of Veterans' Affairs, Wash-  
ington, D.C.

DEAR BOB: Enclosed is a September 30, 1982, letter to me from John Gibbons, Director of the Office of Technology Assessment (OTA), which provides an important and timely evaluation of VA efforts to date on the epidemiological study of Vietnam veterans' health problems mandated by section 307 of Public Law 96-151. I believe the agency has received a similar letter.

As the Senate author of section 307 and the amendment to it last year, I find this expression of OTA's concerns highly disturbing. As evidence by the recent letter to you from the leadership of the House Veterans' Affairs Committee and remarks at that Committee's September 15 hearing, many others in the Congress are also impatient for decisions and action by the Veterans' Administration on the study.

The purpose of this letter, hence, is to call upon you to bring about and publicly announce agency decisions on several key issues related to the study.

Perhaps the most distressing aspect of the OTA letter is its view that the VA has been indecisive and poorly coordinated in its approach. Specifically, OTA has raised serious questions about the scope of the study, the lack of progress to date, and the need for decisions to be made at this point. I urge that you give OTA's evaluation your immediate attention.

First, OTA believes that further technical review of the proposed protocol serves no purpose until the basic policy decision about the scope of the study—for which the VA is responsible—is made. I would appreciate your views on this point. Specifically, I urge that the agency make a decision now on whether to limit the study's scope to Agent Orange or, as authorized last year by Congress, expand it to gather information on the possible health effects of the total "Vietnam experience".

I am convinced that the health effects of the entire Vietnam experience must be studied. Responses from major veterans' organizations to questions I asked at a Committee hearing last November showed wide support for studying the effects of the entire Vietnam experience. I think it would be a major error not to proceed with such a study either as part of an expanded Agent Orange study or in a separate undertaking. In that regard, if a decision is made not to add a third cohort but rather to proceed now with an Agent Orange-only study, I believe that it is critically important that the widest range of information be collected from the study participants so that it might be uti-

lized in a parallel, more general study of the entire Vietnam experience.

OTA recommends that the VA add personnel with appropriate professional qualifications to its in-house staff dealing with Agent Orange. I concur with this point. I understand that the newly-formed Agent Orange Project Office in the Department of Medicine and Surgery, for which \$278,000 and 7 FTEE's have been budgeted and appropriated for FY 1983, will be adding technical staff. I would like to know the planned professional qualifications of these new personnel and when they will be hired.

OTA cites several "difficulties of assembling cohorts" that have arisen between the VA, the Department of Defense, and the Agent Orange Working Group (AOWG). I understand that no one VA official has been designated as the liaison to DoD and that this has resulted in considerable confusion regarding whose instructions DoD is to follow and whom it is to contact and consult when difficulties or questions arise. To further complicate matters, a clear delineation of the AOWG's authority and responsibility for establishing the cohort selection process and its relationship to DoD also seems to be lacking. I urge that both these sources of confusion be remedied immediately.

I share OTA's view that the lines of responsibility seem to be becoming blurred. The questions of assuring effective coordination with DoD and of proceeding with technical reviews before making the basic policy decision on a third cohort are but two—albeit major—examples of the difficulties associated with this blurring. I urge that this problem also be addressed and resolved promptly.

Finally, I want to re-emphasize the recommendation I made to then-Administrator Cleland almost two and a half years ago that the VA enter into a contract with an independent, outside entity (such as the National Academy of Sciences, the Centers for Disease Control, or a school of public health) for the actual conduct of the study. I do not know of one person in a responsible position in the Congress, the Executive Branch, or the veterans' organizations who favors the VA itself conducting the study.

The question of contracting boils down to a matter of credibility. The main point is not whether the VA has or can develop the capacity to conduct a full and fair study but rather, whether, when such a study is completed, Vietnam veterans, their families, and others concerned about this issue will have faith in the study's results. Without that acceptability, all of our efforts will be wasted.

I want to reiterate how important I think it is that the VA immediately come to grips with and announce decisions on the issues discussed above. Further delay would be intolerable to the thousands of Vietnam veterans and their families so deeply concerned about the Agent Orange issue.

Finally, regarding the efforts of the Congress on the matters raised above and others pertaining to the Agent Orange issue, I've asked Senator Alan K. Simpson, Chairman of the Veterans' Affairs Committee, to schedule oversight hearings on this subject early in the next Congress.

I look forward to receiving at your earliest convenience a report from you on the issues raised in Dr. Gibbons' letter and your responses to the recommendations I have made in this letter.

With warm regards.

Cordially,

ALAN CRANSTON,  
Ranking Minority Member.

SEPTEMBER 30, 1982.

HON. RICHARD S. SCHWEIKER,  
Secretary of the Department of Health and  
Human Services, Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a copy of a letter I recently received from Chairman Montgomery of the House Committee on Veterans' Affairs, Honorable John Paul Hammerschmidt, Ranking Minority Member of the Committee and the Honorable Ronald Mottl, Chairman of the House Subcommittee on Hospitals and Health Care, concerning the possibility of the Veterans' Administration entering into an agreement with the Center for Disease Control for the purpose of performing the Agent Orange Epidemiological study.

I would appreciate if, at your earliest convenience, you could provide me with any views or comments you may have on the proposal set forth in the enclosed letter.

Sincerely,

ROBERT P. NIMMO,  
Administrator.

HON. RICHARD S. SCHWEIKER,  
Secretary of the Department of Health and  
Human Services, Washington, D.C.

DEAR MR. SECRETARY: This is a follow-up to my letter to you of September 30.

Since my last communication, it has become increasingly apparent that a broad consensus has developed supporting the belief that it would be in the best interest of our veterans to have a non-VA scientific body conduct the Agent Orange Epidemiology study. On Friday, October 8, 1982, I received a letter signed by over 100 members of the House of Representatives indicating support for the position set forth in Chairman Montgomery, Ranking Minority Member Hammerschmidt, and Mr. Mottl's letter of September 17, 1982. For your convenience, a copy of the letter I received on October 8, dated October 6, is enclosed. While I remain firm in my belief that the Veterans' Administration has proceeded reasonably, I have been persuaded as to the wisdom of the House Veterans' Affairs Committee recommendation that the Center for Disease Control conduct the study.

Accordingly, it is most urgent and important that we know the Center for Disease Control's interest in performing the Epidemiology study.

For that reason, I would appreciate it if the Department of Health and Human Services could advise me of its position on this matter at the earliest possible date. In addition, I believe it would be most helpful if you would arrange a meeting between Dr. Ed Brandt and our Chief Medical Director, Dr. Donald L. Custis, within the next week. In this manner, a more direct discussion can be held to facilitate the decision.

Sincerely,

ROBERT P. NIMMO,  
Administrator.

VETERANS' ADMINISTRATION,  
ADMINISTRATOR OF VETERANS AFFAIRS,  
Washington, D.C.

HON. G. V. (SONNY) MONTGOMERY,  
Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington,  
D.C.

DEAR SONNY: Your letter concerning the epidemiology study on the possible health effects of Agent Orange addresses a mutual interest we share about the study. Certainly, public perception and credibility given the study process by veterans will in large part determine acceptance of the study results.

As you know, there have been a number of external influences which have prevented more expeditious completion of work on the pilot study contact; yet, our staff has remained fully committed to the conduct of the study based on legitimate research criteria which would assure its scientific integrity. The decision of Congress to assign responsibility for the study to the VA was appropriately placed and expressed confidence in our ability to conduct the study. I continue to have complete confidence in our ability to do so with scientific efficacy which would produce credible study results and provide objective assessment of the health effects of Agent Orange exposure.

The need for public acceptance of both the conduct of the study and the study results is recognized, however. Therefore, while I would ordinarily favor retention of responsibility, I am persuaded that it would be prudent to enter into an agreement with a non-VA scientific body to perform the Agent Orange Epidemiology study. In accordance with your suggestion, communications have been initiated with the Secretary of Health and Human Services to enlist his support in the consummation of an agreement between the VA and the Centers for Disease Control (CDC), Department of Health and Human Services (HHS). If acceptable to HHS, we will complete the agreement as quickly as possible so that CDC may proceed with the study.

I am, by separate letter, informing the Honorable John Paul Hammerschmidt and the Honorable Ronald M. Mottl of my decision. You are assured that our only interest in this matter is completion of the study in such a way that all interested parties have complete confidence in the study results. My staff and I will lend our full cooperation and assistance to achieve this common goal.

Sincerely,

ROBERT P. NIMMO,  
Administrator.

#### VETERANS' ADMINISTRATION.

To: Administrator (00).  
Subject: Agent Orange Organization.

1. The purpose of this memorandum is to recommend approval for the establishment of a permanent office within DM&S to deal with current and anticipated Agent Orange issues of concern to Vietnam Veterans, and to recommend a minor realignment in the existing organizational framework for establishing policy in reference to Agency Agent Orange activities.

2. The rationale for this proposal addresses correction of organizational weaknesses inherent in the current organization structure of Agent Orange activities. This proposal eliminates fragmentation of program responsibilities by establishing a single Agent Orange program staff office to be headed by a single program manager. The program manager assigned total program responsibility is created by elevation of the Agent Orange office from a Special Assistant staff function having fragmented (limited) program responsibilities to that of a program management office.

3. Management of all Agent Orange activities through an integral program staff office within DM&S will improve program effectiveness, and DM&S/Agency communications concerning program management activities. Direct organizational lines of authority and communication will be established and facilitated between the Chief Medical Director as the responsible department head and the Deputy Administrator and Administrator. This proposal also estab-

lishes an agency oversight function at the Administrator's level in the form of an agency level Policy Coordinating Committee chaired by the Deputy Administrator thus assuring appropriate agency level oversight and guidance.

4. The attachment outlines this proposal in further detail. If approved, the DM&S Agent Orange Projects Office (10A7) will be functional immediately.

DONALD L. CUSTIS, M.D.  
Chief Medical Director (10A5).

#### PROPOSED AGENCY AGENT ORANGE ORGANIZATIONAL FRAMEWORK

##### VA AGENT ORANGE POLICY COORDINATING COMMITTEE

Function: Responsible to the Administrator for recommending overall VA policy regarding Agent Orange and other phenoxy herbicides, as well as, oversight of all VA Agent Orange activities.

Membership: Chair—Deputy Administrator.

##### EXECUTIVE SECRETARY

Members: Associate Deputy Administrator for Congressional and Public Affairs, Associate Deputy Administrator for Planning and Finance, Associate Deputy Administrator for Information Resources Management, The General Counsel, Chief Medical Director, Chief Benefits Director, and Assistant Deputy Administrator for Public and Consumer Affairs.

Executive Secretary: The Executive Secretary to the Agency Agent Orange Policy Coordinating Committee is responsible for coordinating the agenda and activities of the POC.

##### DM7S AGENT ORANGE PROJECTS OFFICE (10A7)

Function: Principal Veterans Administrative organizational element responsible for managing and/or coordinating all activities associated with Agent Orange and other phenoxy herbicides. (See page 4 through 8 for more detailed functional responsibilities).

##### PROPOSED ORGANIZATION: DM&S AGENT ORANGE PROJECTS OFFICE (10A7)

Proposal: Establish an Agent Orange Projects Office within the Department of Medicine and Surgery. The DM&S Agent Orange Projects Office shall report to the Chief Medical Director through the Deputy Chief Medical Director.

Organizational mission: Recommend policy, manage and coordinate all DM&S activities relating to Agent Orange and other phenoxy herbicides of concern to Vietnam Veterans.

Functions: Management, Administrative, Research, and Education.

##### Principal duties:

Management: Provide expert medical and staff advice to VA top management officials on issues relating to Agent Orange and other phenoxy herbicides of concern to Vietnam Veterans.

Coordinate development of DM&S policy and guidelines relating to Agent Orange and other phenoxy herbicides of concern to Vietnam Veterans

Serve as the focal point and lead staff office responsible for Agent Orange activities and activities related to other phenoxy herbicides

Administrative: Responsible for coordinating all administrative activities relating to Agent Orange.

Prepare and/or participate in the preparation of Agency and/or Departmental responses to Congressional, veteran and other

inquiries relating to Agent Orange and other phenoxy herbicides.

Prepare and/or participate in the preparation of testimony and other material required for presentation to Congressional Committees, Veterans Service Organizations and other groups.

Coordinate the activities of approximately 180 environmental medicine physicians in VA Medical Centers.

Coordinate the preparation and distribution of DM&S circulars and bulletins relating to Agent Orange and other phenoxy herbicides.

In conjunction with the Office of the General Counsel, coordinate the DM&S implementation of all Public Laws relating to Agent Orange and other phenoxy herbicides.

Participate actively and/or support VA top management participation on Agent Orange-related committees and task forces. These include:

Agent Orange Working Group.  
Scientific Committee of Agent Orange Working Group.

VA Advisory Committee on Health Related Effects of Herbicides.

VA Agent Orange Policy Coordinating Committee.

VA Task Force for Identification of Vietnam Veterans.

Research: In conjunction with the DM&S Office of Research and Development (15), coordinate and/or monitor research of possible adverse health effects of exposure to Agent Orange and other phenoxy herbicides of concern to Vietnam Veterans.

Monitor and/or coordinate research related to Agent Orange and other phenoxy herbicides, such as:

Epidemiology of Agent Orange in Vietnam Veterans.

Patient Treatment File Research.  
Related research at VA Medical Centers.

Participate and/or provide staff assistance for Agent Orange research activities conducted by other VA staff elements:

Vietnam Veteran mortality studies.  
Statistical compilation and analysis.

Monitor research conducted by other Federal agencies.

Birth defects and Military Service in Vietnam Study (Centers for Disease Control).

"Ranch Hand Study" (DOD).

Monitor research conducted by State governments.

Development of individual state registries.

Monitor research conducted by foreign governments: Australia, New Zealand, and other nations.

Education—Coordinate all DM&S Agent Orange-related educational activities. This includes responsibility for:

VA Employees—Environmental medicine physicians, other health care personnel, and other employees.

Research/Academic Community—Distribution of results of Agent Orange-related research and distribution of results of research related to other phenoxy herbicides of concern to the Vietnam Veteran.●

#### EDMUND S. McLAUGHLIN HONORED

● Mr. WEICKER. Mr. President, America's disabled citizens are at long last beginning to be recognized as full, equal, productive, and participating members of society. This is happening thanks to several factors, among

which is the constant commitment of the Federal Government to laws insuring rights and services of disabled people.

Critical to the success of disabled people, however, is the dedicated competence of rehabilitation professionals and I proudly call my colleagues' attention to one such professional from my State of Connecticut: Mr. Edmund S. McLaughlin.

Mr. McLaughlin, on Wednesday, October 27, will be honored on his 25th anniversary as executive director of the Easter Seal Rehabilitation Center of Eastern Fairfield County, Inc. In his quarter of a century as center executive, Mr. McLaughlin has developed the original Crippled Children's Workshop of Bridgeport into one of our Nation's finest comprehensive outpatient medical rehabilitation facilities. Throughout this period, he has never wavered in his insistence of excellence and the results achieved for Bridgeport area people have been outstanding.

Mr. McLaughlin's vitality, however, has not been confined within his center. He has reached out to other health providers within his community to effect maximum coordination of, and efficiency in, the delivery of services to disabled people. He has galvanized his fellow rehabilitation professionals on both State and national levels into meaningful voices for disabled people. Additionally, he has participated in the development of accountability standards for service providers to insure that the highest standards are both recognized and met.

I commend Mr. McLaughlin on his record of achievement and extend best wishes to him for much continued success in meeting the needs of the disabled. ●

#### EDITORIAL SUPPORTS EDUCATION FOR ECONOMIC SECURITY BILL

● Mr. CRANSTON. Mr. President, the Providence, R.I., Sunday Journal has endorsed legislation to improve math and science instruction in schools. I am a cosponsor of this bill, authored by Senator CLAIBORNE PELL—S. 2953, the Education for Economic Security Act.

The Journal's editorial reflects credit on Senator PELL's leadership role in getting this bill before the Senate. As the Journal points out, it is legislation that needs to be passed in the interest of our Nation's economic survival.

I commend this editorial to the attention of my colleagues. I ask that it be printed in the RECORD.

The editorial follows:

[From the Providence Sunday Journal, Sept. 26, 1982]

#### TRANSFUSION FOR U.S. SCIENCE'S ANEMIA

Although federal economizing remains essential, budgetary room must still be made for some worthwhile new expenditures. One such is Sen. Claiborne Pell's proposal to fund more intensive scientific and technical programs in the nation's schools and colleges. Unless this kind of education is stepped up, the U.S. simply won't be able to meet the already formidable industrial challenge it faces from abroad.

Mr. Pell and his bipartisan cosponsors of a three-year, \$400-million annual subsidy for high-technology training introduced their Education for Economic Security Act with a timely warning. American schools, they said, are trailing woefully in this field, compared to competing industrial nations. The situation is not unlike the U.S. space lag disclosed by Sputnik's launching 25 years ago. How masterfully the country then responded is history.

Confronted now with an economic equivalent of that crisis, it can do no less if it is to retain a lead in the technologies which will dominate future world markets.

Obviously, when as Senator Pell noted, only a third of American high schools offer more than a year of math or science (a prerequisite for acquiring computer and other skills), or when, as U.S. News and World Report cited, a critical math-teacher shortage besets secondary and higher education systems, and upgrading is desperately needed. The Pell bill would promote this by providing funds that the states would match to revitalize these neglected fields.

There are few more crucial areas justifying federal assistance. The fate of the entire national economy is at stake. Evidence of that exists in the hundreds of thousands of American jobs lost due to inroads by Japan alone into the electronics, automobile and other skills industries in which the U.S. was once supreme. America's current edge in computers, robotics and other high-tech businesses similarly is threatened by an international rivalry that will only intensify.

In order to stay ahead, the U.S. will need all the skilled manpower its schools can produce. Under present trends, it will fall far short—and thus fall behind economically. The Pell bill is a needed shot in the arm that Congress ought to adopt. ●

#### TRUST BETRAYED, HOPE DENIED: AN URGENT REPORT ON THE STATUS OF DISABLED AMERICANS

● Mr. CRANSTON. Mr. President, a consortium of groups concerned about the lives and well-being of disabled Americans has put together an alarming report on the Reagan administration's wide-ranging attacks on human rights and services for handicapped citizens. We have all seen—and many of us have strongly opposed—the many parts of this all-out assault. Until now, however, there has been no comprehensive effort to reveal in one document the full scope of the Reagan administration war on constructive programs for disabled individuals.

Mr. President, Public Advocates, a San Francisco law firm in collaboration with the Disabled People's Inter-

national, North America, the National Political Alliance for the Disabled, the California Disabled and Blind Action Committee, and the National Gray Panthers, have produced this vitally important publication, "Trust Betrayed, Hope Denied: An Urgent Report on the Status of Disabled Americans \* \* \*." It will be released on Thursday, October 21, at 11 a.m., at a press conference in room 412, Russell Senate Office Building. Copies can be ordered from: Paul Geffert, Inc., 4312 Locust Lane, Washington, D.C. 20016, telephone number (301) 229-3064.

#### SPECIFICS OF THE ATTACKS ON DISABILITY PROGRAMS

As the report shows, Reagan administration cutbacks in health care, employment, nutrition, housing, and legal services programs have hurt handicapped persons along with poor and elderly citizens and children. On top of that, the administration has singled out disabled individuals for further cuts. Thus, the administration mounted an unfair campaign against recipients of social security disability insurance; has proposed the outright repeal of the Education for All Handicapped Children Act of 1975 and major portions of the Rehabilitation Act of 1973, and drastic cutbacks in funding for special education and vocational rehabilitation services; has gutted the effort to provide handicapped individuals with access to public transportation services; and proposed eliminating all funding for the Architectural and Transportation Barriers Compliance Board.

As the ranking minority member of the Committee on Veterans' Affairs, I would also note that, in the context of fiscal year 1982 and fiscal year 1983 budgets, President Reagan has proposed or supported well over a billion dollars in cuts in Veterans' Administration health-care, compensation, pension, and vocational rehabilitation programs for disabled veterans.

The Congress has—so far—blunted some of the major attacks. The education and rehabilitation laws have not been repealed, and the bulk of the funding cuts in those areas and in veterans' programs have been rejected. But there is no sign of a significant Reagan retreat. To the contrary, there is every indication that the President's fiscal year 1984 budget will renew the proposals for cuts as the administration seeks to restrain deficits that will be swelled by the third year of the Kemp-Roth tax cuts and ballooning defense spending.

Moreover, when the administration fails to get important protections for handicapped persons repealed by the Congress, it pursues administrative actions to eviscerate the laws. In August of this year, the Department of Education proposed massive revisions of the regulations implementing the Educa-

tion for All Handicapped Children Act that would have produced serious limitations of handicapped children's educational opportunities. Faced with a firestorm of protest from the parents of handicapped children and other individuals and groups concerned for the children's welfare and with a congressional threat to veto the regulations, the administration announced it was abandoning six of the most damaging parts of its proposal.

In addition to proposing services and funding cutbacks, the administration has attempted to gut civil rights protection for handicapped individuals. For a year now, the Department of Justice and the Office of Management and Budget have been working on a comprehensive revision of the vitally important regulations implementing the antidiscrimination provision—section 504—of the Rehabilitation Act of 1973. As a principal Senate author of section 504, which the handicapped community regards as its civil rights charter, I have been most concerned about reports that the draft regulation revisions reflect the intent to trim and weaken the civil rights of handicapped persons.

As part of this anticivil rights effort, in July 1981, the Department of Transportation issued "interim final" regulations that revoked all of the then-existing standards requiring movement toward providing accessible mass-transit services for handicapped citizens. The results of an April 1982 General Accounting Office survey, which I requested along with five other members of the Banking, Housing, and Urban Affairs Committee earlier this year, indicated that the Department's no-standards and no-monitoring position has been interpreted by many local transportation systems as a clear signal to drop their plans for providing accessible public transit facilities and equipment.

As noted in "Trust Betrayed, Hope Denied" and more fully detailed in chapter 4 of the recent report of the Washington Council of Lawyers, entitled "Reagan Civil Rights: The First Twenty Months," the Reagan Department of Justice is backing away from its responsibilities to protect the constitutional rights of psychiatric patients and mentally retarded persons in State institutions. It has not only scaled down its activities in this area, but in June of this year, the head of the Civil Rights Division ruled that the Department may not investigate State facilities to determine whether they are providing care and treatment services "designed to enhance capacity, capability, and competence." That represents a reversal of the position on the right to treatment of institutionalized mentally impaired persons that the Justice Department has advocated for more than a decade under

both Republican and Democratic administrations.

The pattern of this attack clearly appears to be: Reduce educational opportunities for handicapped children; slash funding for vocational rehabilitation services for disabled adults; cut back on programs for disabled veterans; permit discrimination against handicapped people of all ages in a wide range of important federally assisted programs, including education, employment, health care, transportation, and housing; take away social security disability benefits from thousands of disabled workers unfairly; and soft-pedal efforts to protect mentally impaired persons in State institutions. According to "Trust Betrayed, Hope Denied," the cumulative impact of this approach—together with Reagan cuts in health-care and other social-service programs—has already been devastating on disabled Americans.

Ironically, this onslaught has occurred during 1981, the International Year of Disabled Persons, and 1982, the National Year of Disabled Persons—years that should have been devoted to making needed improvements in programs for handicapped individuals rather than to dismantling them.

Unfortunately, Mr. President, that is not the whole story. The Reagan approach to programs for the prevention of disabling occurrences has been to cut back there also. As the report notes, the Reagan administration has weakened the implementation of the Occupational Safety and Health Act and has rescinded a 1977 regulation that Congress had upheld requiring passive restraints in all new cars by model year 1983. More aggressive executive branch action in both of these areas could help to spare many Americans from serious disabling injuries and illnesses.

#### WHY IS THE REAGAN ADMINISTRATION DOING THIS?

It might be asked: Why has the Reagan administration done all these things? Do they desire to cause human suffering and misery? The President tells us he is a kindly and compassionate man.

The reason that the Reagan administration is proposing these cutbacks is quite simple. Ronald Reagan's campaign for the Presidency was premised upon reducing the size of the Federal Government and "getting the government off the backs of the people." In the abstract, that sounded good to many voters.

But what the American people have not fully understood—and need to understand—is that for many poor, sick, disabled, or otherwise vulnerable Americans, the Federal Government is the only place they can turn to for survival. If most Americans believe, as I do and as I believe they do, that the proper, indeed the morally obligatory,

role for the Federal Government is to help those who cannot help themselves, then they should be rejecting the abstract rhetoric that inevitably leads—whether Ronald Reagan intended to or not—to denying urgently needed help and protection to many of America's most vulnerable citizens.

Motives are not the question here; rather, it is the effects of Reagan's policies on which the American people should be focusing.

#### TIME FOR A NEW BEGINNING

Mr. President, I congratulate the groups that have compiled this document and their leaders on their efforts to portray the harsh circumstances confronting so many of America's disabled citizens. In our democracy, information and insight—together with concern and hard work—have always provided the best defenses against unwarranted attacks on the well-being and civil rights of vulnerable minorities. Now it is up to us in the Congress—with the support of an informed citizenry—to act with the sense of purpose and urgency and the unity that the situation facing disabled Americans warrants. We must draw the line of defense and begin to regain the ground that has been lost.

Truly, it is time for a new beginning—time to realize that the Reagan administration approach to disability programs is not what the American people want—time to turn the tide. Whatever the message may have been from the 1980 elections, I am convinced that the American people had no intention that their elected representatives in Washington should emasculate programs and laws designed to help handicapped individuals overcome their disabilities and lead fuller, more productive lives in their communities. Unfortunately, the Reagan administration has badly misinterpreted the character and will of the American people with respect to their attitudes toward disabled citizens.

I believe that the people of this great Nation are both wise and compassionate. They do not want to sacrifice the well-being of the most vulnerable among us for short-term budget gains. I am convinced that they want cost-effective health, education, rehabilitation, and other programs that lead to independence and productivity. They do not want to throw away those programs and thus create needless dependence, needless expenditures to cope with that dependency, and a waste of talent and energy. They want us to improve those programs and make them more efficient.

I am also sure that the American people want those who can work to be removed from the disability rolls. But the American sense of fair play dictates both that there be assurance that any review of those rolls be conducted fairly and that disabled per-

sons be given meaningful opportunities to be rehabilitated.

Mr. President, I say to all of my colleagues in the Congress: Let us open our eyes to what has been happening. Let us start again to do what we all know truly reflects the attitude of the American people toward their fellow citizens who have met with such tragedy.

To signal this new beginning, when the Congress returns on November 29, I will introduce a concurrent resolution to express the sense of the Congress that the Federal Government should restore, maintain, and improve effective programs to assist in providing disabled persons with maximum opportunities for fuller more productive and independent lives and to prevent disabling accidents and illnesses.

I will be seeking broad bipartisan support for this resolution. There are great leaders on both sides of the aisle in both Houses on these issues—men and women who in the past helped to create the programs that have been under attack for almost 2 years and who have shown a willingness to fight to protect them.

By adopting this resolution, we can send a message of hope to those who are now despairing and, to those who would further erode disability programs, a message of strong congressional resolve to defeat any such efforts.

We in the Congress have much to do in order once again to make this a land of opportunity and hope for handicapped individuals. I realize that, in the very few remaining weeks of the 97th Congress, we cannot accomplish much of what needs to be done. But, we can make a start. We can announce through the adoption of this resolution the coming of a new day.

Before the Senate returns on November 29, I will be writing to each of my colleagues in the Senate to share with them a draft of the resolution, to ask for their comments and suggestions on it, and, when it is ready for introduction, their support for it. I urge each Senator to give this important matter the serious, favorable consideration that it deserves.●

#### NUCLEAR FREEZE RESOLUTION

● Mr. HUMPHREY. Mr. President, all across this country, Americans have debated the merits of a proposed freeze on the development, production, and deployment of nuclear weapons. On April 8, 1982, the House of Representatives of the State of New Hampshire considered a resolution which called for such a freeze. The resolution, which was soundly defeated, elicited strong opposition from members who recognized the inherent dangers of the nuclear freeze proposal. The arguments presented by the New Hampshire representatives support

the position that effective arms control can only be achieved through careful negotiations aimed at mutual, balanced, and verifiable reductions in existing nuclear force levels.

I ask that a copy of the nuclear freeze resolution which was considered by the House of Representatives of the State of New Hampshire on April 8, 1982, be printed in the RECORD along with an excerpt from the debate on that motion.

The material follows:

#### RESOLUTION

Whereas, the global effects of an all-out nuclear war could compromise all life on Earth; and

Whereas, the United States, as a world power, has an obligation to assume the leadership in outlawing these instruments of ultimate destruction; now therefore be it

Resolved, by the House of Representatives that it is the sense of the General Court that since nuclear war represents the world's greatest potential health hazard and that since the only possibility of protecting human life from its catastrophic medical consequences lies in prevention, we urge that a policy of prevention be implemented. We urge that the President propose that the United States and the Soviet Union adopt an immediate, mutual and verifiable freeze on all further testing, production, and deployment of nuclear weapons, and that proceeding from such a freeze, the two nations should pursue major, mutual and verifiable reductions in nuclear warheads, missiles and other delivery systems; and be it further

Resolved, that copies of this resolution be forwarded by the clerk of the General Court to the President of the United States, the presiding official of each body of Congress and the members of Congress from the State of New Hampshire.

SPEAKER. The Chair recognizes Representatives Coutermarsh.

Representative COUTERMARSH. Mr. Speaker, I rise strongly in opposition to the motion to suspend the rules. And as a long time member of this House I caution you that this is not the body that should be considering the future defense capabilities of this country. I have great admiration for the New Hampshire Legislature as a member. But I shudder to think that I would have to depend today on the capability of this body to assess the future needs for defensive weapons for the United States. And as an ex-marine, if anybody here is under the impression that platitudes, daisies, V-signs, resolutions . . . will deter the final intent and purpose of world communism to destroy the free nations of the world, then the awakening at dawn will be both rude and rough. The despot's heel is in Poland and in the Middle East and in Cuba and stirring up dissension throughout the world for the very purpose of destroying the free world that we live in. And you only had to see the other day, when free elections were trying to take place—the communists have always known that they would not take control at the ballot box—it was by trying to disrupt the orderly method of voting by terrorist activities. And there is no question but what the only thing that has guaranteed safety to this nation—and that hasn't been espoused by the democrats of my own party, but by the leaders of this nation down through history—is that we

had to be strong. The strongest single deterrent against the Russians' use of nuclear weapons or any other weapon is a strong America.

And it ill-behoves the members of this House here today to be instructing the Department of Defense and the military as to how that they should proceed to protect and to provide the defenses of this nation. If this country were attacked it would be some of these same people here today that would be saying "we were let down, how come the military did not protect us adequately against this type of weaponry." I have absolute faith and confidence that the President and that the Secretary of State and that those who know and are in charge of the defensive capability of this country will arrive at a proper decision and it will not be by our demonstrating a position of weakness. It will come through strength. Vote this resolution down.

SPEAKER. The Chair recognizes Representative Welch for a question.

Representative WELCH. Would you agree with me, Representative Coutermarsh, that in light of the fact that a guest of this House appeared before this body earlier this afternoon and specifically and most inappropriately spoke to one side of an issue pending before this House on the same day that this matter should be tabled until another day. And furthermore, that such an action would speak clearly to future guests of the House that while we welcome them into our Chambers, we do not seek to have them involve themselves in the issue of the day in the House. (Applause)

SPEAKER. Members will suspend. The Chair admonishes the membership to recognize the procedure in this Chamber, which is to show no pleasure or displeasure at the remarks of those at the podium. Representative Welch has made an inquiry of Representative Coutermarsh. Representative Coutermarsh, you may respond to the inquiry.

Representative COUTERMARSH. Mr. Speaker, had I known that he was going to speak on this matter I would have liked to have had somebody from the United States Congress or the Senate for a rebuttal. But the speaker was within his right in allowing the member to express what he thought was a concern to him.

SPEAKER. The Chair recognizes Representative Kane.

Representative KANE. Thank you, Mr. Speaker. I urge this body to vote no on the proposition before us. This resolution calls for prevention of nuclear war and I don't know who isn't for that including our Russian fellows over there. It also calls for major mutual and verifiable reductions in warheads and delivery systems. Does anyone here believe that our national policy has been otherwise over the last many years? Does anyone believe that the Soviets have yet agreed to verification? We have a clear picture of what happens when we curtail the research and production of nuclear weapons to achieve parity. The Soviets go for superiority . . .

I cannot think of anything more sophisticated or more complex. Negotiations must be carried out by the best and brightest among us. Not by the masses who write—in their uneducated or unenlightened positions—as sincere as they may be. Negotiations must be conducted by our leaders. The nation must be fully behind a leader during a time of crisis. If the leader is perceived to be strong, the negotiations will probably be successful. There is a way to let your leader know how you feel. All you do is write him.

You can write letters to your Congressman. You can write letters to your President. You can send telegrams. There are all sorts of ways. This particular resolution is an effort to enhance or to combine and give an impression that the whole state of New Hampshire is for a given narrow range of options. And I don't think that that really reflects the people of New Hampshire.

On the subject of how to penetrate and bring down decadent capitalist societies, V. I. Lenin spoke of the availability of "useful idiots" who were present in every society and who could be called upon and persuaded to put forth arguments in support of Marxist-socialist goals. We've had a rare opportunity here today and it just happened, I'm sure, by accident. We've had a voice from California, urging one set of conditions; discussing one set of conditions. But we've had something here that no speaker has mentioned yet today. We had a bunch of people up here wearing blue uniforms. And these people were the best of the Strategic Air Command, which is probably the most capable air force in the world today. And they have some Russian counterparts who probably don't look much different from them over on the other side. Wearing different suits, perhaps. They have a burden which

most of us cannot even imagine. We worry about being the victims of a nuclear attack, and this certainly is bad enough. But try to imagine someone who has the dual concern of taking care of his family and the people that he cares about. But having the additional burden of going out to deliver some of those weapons to the other side. You think you have a problem. You can't imagine the mental, psychological burden that these men have to face. And they have counterparts on the other side. I'm not going to carry this on much farther but I will tell you that I will support my government and the ongoing nuclear weapons negotiations that have been in progress over many years—over a series of administrations. And most important, I will not send my President a message of fear and panic at this time. Thank you, Mr. Speaker.●

#### AUTOMOBILE SAFETY AND CONSUMER PROTECTION

● Mr. RIEGLE. Mr. President, on October 1, 1982, the Senate passed H.R. 6273, an authorization bill for NHTSA for the years 1983, 1984, 1985, which allows NHTSA to carry out its tasks of

providing for automobile safety and consumer protection without unnecessarily burdening ailing industries.

Section 3 of H.R. 6273, the State enforcement authority provision, is intended to clarify the State role in enforcing a safety standard identical to a Federal safety standard through processes not inconsistent with the provisions of the National Traffic and Motor Vehicle Safety Act.

Thus, while a State may not require manufacturers to pay approval, laboratory, testing, administrative or any other compliance fees, a State may conduct its own compliance testing at State expense of regulated products or undertake a review of a manufacturer's test report, or equivalent, upon reasonable notice and without postponing the first sale of a regulated product in the State pending the completion of any such review process. These enforcement mechanisms serve to allow the States to complement the Federal self-certification program.●

## HOUSE OF REPRESENTATIVES—October 20, 1982

[Omitted From the Record of October 1, 1982]

## SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 596. An act for the relief of Dennis L. Dalton and James Edward Dalton; to the Committee on the Judiciary.

S. 675. An act to establish a Federal Jurisdiction Review and Revision Commission; to the Committee on the Judiciary.

S. 1964. An act to designate certain lands in the Mark Twain National Forest, Mo., which comprise about 17,562 acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System; to the Committee on Interior and Insular Affairs.

S. 1965. An act to designate certain lands in the Mark Twain National Forest in Missouri, which comprise approximately 6,888 acres, and which are generally depicted on a map entitled "Paddy Creek Wilderness Area," as a component of the National Wilderness Preservation System; to the Committee on Interior and Insular Affairs.

S. 2052. An act for the relief of Raul M. Melgar, Maria Cristina Rey de Melgar, Steven Marcelo Melgar, and Serrana Ivon Melgar; to the Committee on the Judiciary.

S. 2116. An Act for the relief of Carols Mebrano Gatson; to the Committee on the Judiciary.

S. 2580. An act to establish the Christopher Columbus Quincentenary Jubilee Commission; to the Committee on Post Office and Civil Service.

S. 2710. An act to establish the Charles C. Deam Wilderness, in the Hoosier National Forest, Ind.; to the Committees on Interior and Insular Affairs and Agriculture.

S. 3037. An act to amend the Bankruptcy laws regarding farm produce storage facilities, and for other purposes; to the Committee on the Judiciary.

S. 3039. An act to provide for the use of certain fees collected from visitors to Grand Canyon National Park, and for other purposes;

to the Committee on Interior and Insular Affairs.

S.J. Res. 268. Joint resolution congratulating the American Public Transit Association; to the Committee on Post Office and Civil Service.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on October 1, 1982, the following report was filed on October 5, 1982]

Mr. BRINKLEY: Committee on Armed Services. H.R. 1856. A bill to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes (Rept. No. 97-910, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 1, 1982, the following report was filed on October 4, 1982]

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 7044. A bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes; with an amendment (Rept. No. 97-932). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on September 30, 1982, the following report was filed on October 7, 1982]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 7076. A bill to amend title II of the Outer

Continental Shelf Lands Act Amendments of 1978; with amendments (Rept. No. 97-934, Pt. I). Ordered to be printed.

[Pursuant to the order of the House on October 1, 1982, the following report was filed on October 5, 1982]

## REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. FUQUA: Committee on Science and Technology. H.R. 7130. A bill to provide a national policy for engineering, technical, and scientific manpower, to provide for cost sharing by the private sector in training such manpower, to create a national Coordinating Council on Engineering and Scientific Manpower, and for other purposes; referred to the Committee on Education and Labor for a period ending not later than December 3, 1982, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X (Rept. No. 97-933, Pt. I). Ordered to be printed.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of October 1, 1982]

H.J. Res. 618: Mr. BAILEY of Missouri, Mr. BONIOR of Michigan, Mr. BRODHEAD, Mr. BURGNER, Mr. JOHN L. BURTON, Mr. CAMPBELL, Mr. CONYERS, Mr. DE LUGO, Mr. DOWNEY, Mr. DYMALLY, Mr. EDWARDS of Alabama, Mr. FINDLEY, Mr. FITHIAN, Mr. FORD of Tennessee, Mr. HAMMERSCHMIDT, Mr. LONG of Maryland, Mr. MADIAGAN, Mr. MARRIOTT, Ms. MIKULSKI, Mr. MILLER of Ohio, Mr. MOAKLEY, Mr. MOLINARI, Mr. MOORHEAD, Mr. PEASE, Mr. PETRI, Mr. SANTINI, Mr. SCHUMER, Mr. WALGREN, Mr. WHITTAKER, Mr. WIRTH, and Mr. YOUNG of Florida.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

BAYARD RUSTIN REPORTS ON  
LEBANON

## HON. STEPHEN J. SOLARZ

OF NEW YORK  
IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. SOLARZ. Mr. Speaker, one of the outstanding civil rights leaders of our times, Bayard Rustin, recently led a delegation of prominent Americans on a factfinding trip to Lebanon.

Accompanying Mr. Rustin were: Rev. Carl E. Flemister, executive minister of the American Baptist Churches of Metropolitan New York; Thomas Y. Hobart, Jr., president of New York State United Teachers; John E. Nikas, former president of the Hellenic-American Neighborhood Action Committee; The Most Rev. Joseph E. Sullivan, auxiliary bishop of the Roman Catholic Diocese of Brooklyn; Joseph Toubia, Maronite Church of New York; and Charles Bloomstein, secretary, A. Philip Randolph Educational Fund.

I insert Mr. Rustin's report on his visit to Lebanon in the RECORD. I sincerely believe that it will provide important information to all of us concerned about the recent tragic events in Lebanon.

BAYARD RUSTIN'S REPORT ON HIS VISIT TO  
LEBANON—AUGUST 1982

## WHY THIS TRIP

While this report will cite some facts and statistics, it is essentially a very personal reflection on the June 6, 1982 Israeli incursion into Lebanon, and its aftermath. Along with some other Christians, including a Catholic Bishop, a Catholic trade-unionist, a Greek Orthodox, a Baptist executive and a Maronite Christian, I visited Israel for a week in late August. The trip was arranged by private groups in the U.S., but did have the necessary cooperation of Israeli officials. We held discussions in Jerusalem and Tel Aviv and also spent two full days in Lebanon, one each in the eastern and western parts of the country, including East Beirut. In addition to the group meetings with various Israeli Foreign Ministry officials, including Yitzhak Shamir, the Foreign Minister, I talked separately with Sam Lewis, the U.S. Ambassador to Tel Aviv, and with Yitzhak Rabin, former Labor Prime Minister of Israel.

The Israelis welcomed us since they were eager to disprove the charges that they had transgressed international law with an act of military aggression, that they had conducted that aggression with unnecessary brutality and force, and that they had had no concern for the Lebanese civilians caught in the conflict. The Israelis were convinced that the world's media had been biased and unfair and had completely distorted the facts. They hoped that objective visitors to Lebanon would return to the U.S. and report the truth of that situation.

Since this is a personal report, my own bias should be clearly set forth. I have devoted my life to nonviolent social change. While I recognize that violent military action is universally seen as an acceptable method for every nation's effort to maintain its security, I have by and large felt that such violence is, in the long run, counter-productive and delays, if not prevents, the kinds of social changes I have advocated. In my efforts to foster civil and human rights, I have been completely dedicated to democratic processes, and have therefore been a supporter of Israel, the only democratic state in the Middle East. These two positions at times have created a tension for me, one which the preparation of this report has obliged me to confront again.

## THE DOUBLE STANDARD

My first conclusion is that Israel did indeed receive an unfairly bad press. Part of this was due to their applying a press gag in the early days of the action, and their statement that their objective was to secure a 25 mile zone free of the PLO. This proved to be inaccurate, as they advanced on Beirut, 40 miles from their border.

By standards of international law, the Israeli advance into Lebanon was not an act of aggression (despite George W. Ball's charge in his op-ed New York Times column of August 25, 1982). No nation in the world will passively accept continuous attacks from forces based in a neighboring country, and international law recognizes that when such a neighboring country is incapable of halting such attacks, the injured country has every right to undertake that task itself. During the ceasefire period from July 24, 1981 through June 5, 1982, Israel claims to have suffered 248 terrorist actions on her northern border, involving landmines, shellings, and Katyusha rocket barrages. In the month preceding the Israeli advance, there were 26 such strikes. In Kiryat Shimona for example, children had to be kept continuously in bomb proof shelters for periods of up to two weeks at a time! Just as the U.S. claimed it had the right to pursue Pancho Villa into Mexico, as a result of his raids, so the Israelis claimed the right to enter Lebanon in search of the PLO.

It is a curious fact that the world has a double standard with respect to the PLO and Israel. In addition to its long record of terrorist activities, other outrages by the PLO go unremarked: there is irrefutable evidence that, during the 12 years of PLO dominance in Southern Lebanon, they were responsible for tens of thousands of deaths in the civil war (that did not quite end in 1976 but continued sporadically until June 6, 1982) creating hundreds of thousands of homeless refugees. They were also responsible for uncounted incidents of individual murder, theft, rape, intimidation, and general lawlessness. Ask residents of Southern Lebanon, and you will get citation after citation. Yet few harsh words have been used about such activities.

The nations of the world, while prepared to use violence to further their own interests, seem to demand pacifist behavior from Israel. It is immoral for such nations to denounce Israel's use of force in achieving its objectives, while finding ample rationalization for their own violence. Almost all of the world applauded either the violent take-

over of the Falkland/Malvin Islands by Argentina, or the violent response by Great Britain. All nations in the world recognize the validity of violence in pursuit of national interests and certainly none can assert that Israel's national interests were not involved. The Israelis claim that the PLO does represent a threat to their national survival, while none believes for a moment that the loss of those remote islands, 8,000 miles away threatened England's existence as a sovereign nation.

The irony of this double standard is that Israel itself accepts it, holding itself to a higher standard of conduct than the rest of the world. The first real demonstrations against the Lebanon incursion took place within Israel, where there also has been widespread and intense discussion of the conduct of the war. The orders to the Israeli troops, described to us by Israeli officials and confirmed by combat soldiers in the field, were not to fire at non-military structures except in response to fire emanating from such sources. One Lieutenant told us that his unit suffered 11 casualties (6 killed, 5 wounded) in Sidon because his troops had obeyed those instructions. He felt that his 42-man unit would have had at most only 2 or 3 casualties had it been free to fire at will.

## THE MEDIA REPORTS AND THE ACTUALITY

As for the dispatches published in the American media, there is no question in my mind that both the damage and the number of civilian casualties reported had been vastly exaggerated by substantial orders of magnitude. Nabatiya, a Moslem town in Southeastern Lebanon, was a thriving bustling regional center when we stopped there to talk with people on the street. There was damage, of course, but nowhere near the wholesale scale that had been reported. The town, which had dropped in population from 55,000 or so before it was taken over by the PLO, to about 12,000 during PLO occupation, was now rapidly returning to its former size, with people coming back from Beirut daily and picking up their lives. We stopped people on the street at random and asked if they would be willing to talk with us. Without exception they were eager to do so. One of our party spoke Arabic and some of us could converse in French, so there was no substantial communications problem. All the Lebanese expressed joy at their liberation by the Israelis, and while they wanted all foreign troops to leave, they wanted the Israelis to go last. These Shi'a Muslims, Arabs all, literally hated the PLO and cited atrocity after atrocity.

For example, in Nabatiya we interviewed an elderly Shiite Moslem woman who thanked our Israeli military escort (a professor of biochemistry called from this classroom) for freeing her country and making it possible for her to return to her home, from which she had been ejected by the PLO 6 years earlier. Her house was now a pile of rubble, more as a result of the PLO occupation than the Israeli advance. But they were her stones. She could rebuild, and she wept for joy.

The cities of Tyre and Sidon has been reported as virtually leveled. There was significantly more damage there, but only on the main coastal road that led to Beirut.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The side streets seemed virtually untouched, and certainly the cities were alive and functioning. We stopped in Sidon and talked to people at random in the streets, and heard again the same story—praise of the Israelis for ridding them of the PLO.

Another major source of media outrage against Israel was its bombing of West Beirut, especially the intensive 11 hour bombing and shelling of August 11. The Israeli response to that charge is twofold: first, they admit that the bombings, although in response to alleged PLO violations of the ceasefire, were disproportionate to those violations. That is, they were far more intense than called for by the violations by the PLO. It is their argument that the response was intended to demonstrate their determination to take West Beirut by force, if negotiations failed. They also claim that it was precisely those bombings, especially the 11 hour one, that convinced the PLO to agree to evacuate West Beirut, and therefore in effect saved many lives—Lebanese civilian, Israeli, and Palestinian. They further argue that the bombings were precisely targeted to military areas and to military installation in civilian areas of low population density. Since we did not enter West Beirut, we have no way of validating this latter claim (the former is, of course, a matter of opinion). But I am inclined to believe the Israelis, on the basis of the villages and cities we did see, at least to the extent of their desires and targeting. We cannot, at this time, know how precise their aim was.

The Israelis assert that they took great care to avoid damage to schools, hospitals, and other social institutions. It is significant that along the 40-odd mile route from Israel's northern border to the museum in the green line, the area of the most severe fighting, we did not see damage to a single mosque.

My conclusion is that, as wars go, this one was relatively carefully waged. Nevertheless it was a war and in any modern war, but point out that it was PLO policy to immerse themselves in the civilian population, to establish their strong points in schools, hospitals, refugee camps, and even in apartment houses. So, it was the PLO that held the civilian population hostage. The Israelis tried to limit damage to the civilian population, even at the expense of their own casualties but not at the cost of their objectives. If one accepts the logic of the incursion, then one must agree that the Israelis tried very hard to reduce the casualties inflicted on civilians.

There is no question that the behavior of the Israelis was exemplary for a war situation. The casualties reported in the American press were obviously grossly exaggerated. The figures of 10,000 civilian deaths and 600,000 homeless were supplied by the Palestinian Red Crescent, headed by Yasir Arafat's brother. The Israelis have conducted a body count and report 10 civilian dead in Nabatiya, 50 in Tyre, and 400 in Sidon. They claim that far less than 1,000 civilian Lebanese deaths have resulted from their advance, not including West Beirut (at that time still occupied by the PLO). They admit to some 25,000 homeless Palestinians, as a result of destruction within the refugee camps, and assert that very few Lebanese are still without shelter. Almost all, displaced temporarily by the war, have returned home.

#### THE AMMUNITION DUMPS

The Israelis claim to have uncovered over 400 ammunition dumps, not only in fortified bunkers but also in civilian buildings and

areas. We saw one destroyed bunker over 100 yards long, built of reinforced concrete.

The extensive ammunition dumps give one pause to ponder. The equipment discovered far exceeded the Israeli intelligence estimates and were far beyond the needs of guerrilla warfare. Some who have seen those dumps believe that there were enough arms to equip 500,000 soldiers (which the PLO could not raise). Even if not adequate for such an enormous army, there is no question but that the dumps so far uncovered indicate an intended far wider scale of warfare than was possible with the 14,000-20,000 PLO terrorists in Southern Lebanon.

For what other reason could the PLO have stored the following quantities of arms, inventoried by the Israelis as of July 19, from some 413 caches, with many not yet sorted out and not including what are undoubtedly major depots in West Beirut? The Israeli inventory lists 764 vehicles and armored combat vehicles including tanks; 26,900 light weapons, 424 heavy weapons, artillery and field guns; 43 anti-aircraft weapons; and 1,500 truckloads of ammunition, including 5,109 Katyusha rockets, 7,914 artillery shells, 33,299 mortar bombs, 8,771 mines, and 18,760 hand grenades. There were also over 2,000 items of non-lethal military equipment. Was a major war in the offing?

#### THE PLO'S INTERNATIONAL CONNECTIONS

In addition to the arms caches, the Israelis captured a wide variety of documents, some of which have been released. These included detailed instructions for shelling civilian cities and villages in Northern Israel, and reports from PLO terrorists being trained in the Soviet Union. Besides documents linking the PLO to a worldwide network of terrorist groups, many foreign nationals—Germans, Italians, and Japanese, among others—were taken prisoner at their training camps in Southern Lebanon were captured by the Israelis. The PLO obviously served as a training ground for terrorists of many countries.

#### WHAT DOES PLO CONTROL MEAN

Another judgment to which I came is that the Israelis who, for reasons of their own, are adamant about not dealing with the PLO, are correct in that conclusion. The Israelis fear Soviet influence in the area as well as continued PLO attempts to destroy Israel, as per the PLO charter which has never been amended or negated. That judgment is probably right, but in addition I took note of the PLO's behavior in Southern Lebanon, where they succeeded in making violent opponents not only of the Maronite Christians, but also of the Shi'a Muslims (allied in spirit to Khomeini who is a strong PLO supporter). Their record of rape, pillage, murder, and general lawlessness disqualifies them, in my conviction, from aspiring to be the leaders of a civilized Palestinian independent autonomous entity. If I were the Israelis, I would encourage the Lebanese, heretofore relatively silent under the PLO occupation, to speak out to the world about the crimes visited upon them during the PLO usurpation of their land.

For example, we stopped in the Maronite village of Aichiyah, in Eastern Lebanon. Here we were told by the villagers that the PLO had attacked the village and herded all but 55 of the 2,000 or so population into one of its two churches. These 55 were slaughtered, their bodies thrown into dry wells.

One church, and the priest's house, was completely demolished. The other now needs to be resanctified before it can be

used again for religious purposes. The graveyards were desecrated, coffins opened, bones scattered and visible through the vault openings.

Consider Damour, in Western Lebanon, a Christian resort city on the coast between Sidon and Beirut. Here between 1,500 and 2,000 villagers were executed by the PLO, which established a permanent base in the town, expelling the remaining people. With an original population of some 50,000 to 60,000, Damour is now an abandoned city, almost wholly uninhabitable. The beautiful church was used as a garage and storage depot, its stained glass windows destroyed, its walls used for target practice. We could glance into the various houses as we drove up the hill to the church. Each was filled with the detritus of an uncaring, insensitive, brutal occupying army, replete with wanton destruction. This all-PLO held town, with no civilians, was the scene of some bloody fighting as the Israelis took it.

Consider the museum in Beirut, a treasurehouse of antiquities from some of the world's most ancient societies. The PLO took over the museum, made it into a fortress, scattered or stole many of its priceless objects, threw others outdoors into the yard and gardens, and behaved without any feeling at all for their own, and our, heritage. We looked at that museum, which is now behind Israeli lines, and were as much appalled by what we saw as by the many atrocity stories we had heard.

In sum, in the areas of Lebanon under PLO control, there was no civilian system of justice. There was no functioning police force, no arrests, no court system and no appeal. What law there was was PLO law, what justice there was was PLO justice. Those of us whose ancestors lived in areas under Ku Klux Klan control have special reasons to know what that means. For the powerless, it means intense, continuous, and unending personal insecurity. In effect, terror.

#### ISRAELI INTENTIONS

The Israelis have stated repeatedly, and there is no reason to doubt them, that they would leave Lebanon along with all other foreign forces. The question remains whether the Syrians will agree to leave Lebanon, which they have never recognized as an independent country and which they still regard as part of Greater Syria. If the Syrians do leave, the Israelis say that they will do so, simultaneously. There is thus no reason at all for George Ball to state, as he does in that op-ed page column referred to earlier, that there is cause to believe that the Israelis will occupy that portion of Lebanon south of the Litani River. That assertion seems, at present, to have been wholly gratuitous and without foundation.

#### WHAT NOW

Inevitably, I came to some conclusions about the future. The official Israeli position was one of optimism that the PLO has been destroyed militarily and that they now can enjoy a peaceful border with Lebanon. This is true, at least for the immediate future. They also point out that, as a by-product of this dispersal of the PLO, new options have been opened up, options which may benefit the West as well as the Israelis.

Yes, those options are open. But they will require creative diplomacy if constructive results are to ensue—creative diplomacy not only by Israel, but by the Arab States, the United States, and the rest of the concern world. That burden of compromise or crea-

tivity cannot be put on Israel alone. Yet I fear there will be efforts to do so.

For example, Western Europe, the Arab countries, and the Third World will probably all pressure Washington to bring pressure to bear on Israel to be more "sensitive" to Palestinian interests. The Israelis can scarcely afford a "confrontational mode" with the U.S., yet that is what is clearly in the offing. If the Begin government holds to its position of no concessions, that pressure from the U.S. will undoubtedly strengthen it with the Israeli voting public (it has always worked that way in the past, in other countries as well as Israel—unite behind the government when pressed by outsiders). Result, rigidity, no movement, no steps toward resolution of the Palestinian problem, still a major obstacle to true peace in the area. And failure to make progress on the Palestinian question means sooner, rather than later, resurgence of the PLO or other radical groups.

The Israelis are not now planning to be more forthcoming in their talks with Egypt on West Bank autonomy. As Foreign Minister Yitzhak Shamir told us, there is nothing that Israel can afford to give up. I hope that this is only a negotiating posture, made for temporary public consumption. If it is not, if the Israelis intend to hold adamantly to their present posture, then I am very pessimistic about the future and what it portends. There is the possibility that Israel, strong in its military victory, will see armed force as its basic strategy, and, flushed with conquest, will become ever more rigid.

Many Israelis claim that Israel was always their land, from which they were ejected 2,000 years ago. 2,000 years from now, the Palestinians may very well be making the same claim—and trying to enforce it by war. Further, the demographic statistics are against the Israelis, whose lower birth rate will mean that they will soon become a minority even within their own borders. My support for Israel is based on its being a democratic state. Can it retain that democracy when it has an Arab majority, which it keeps in place by a Jewish army?

Given this, what is now imperative is an initiative from the Arab States that would facilitate a change of stance by the Israelis. President Reagan's recent policy speech did not specifically provide that opening. How the Arab States respond will therefore now be critical.

So, yes, there are new options. But after 35 years of unremitting hostility from the Arab States, all but Egypt still legally at war with Israel, the onus for initiatives is squarely on the Arab States and the PLO.

Americans who would preserve an oasis of democracy in the Middle East must urge our government to take those steps which will really make peace possible. The first and essential step in what will obviously be a prolonged and delicate process is for the U.S. to secure from the Arab States and their creature, the PLO, a clear and unequivocal statement that they accept Israel as a legitimate state in the Middle East. They must further agree that any change in Israel's borders must come as a result of negotiation and not by war.

Anything less than such a categorical declaration by the Arab States and the PLO is unlikely to lead to increased flexibility on Israel's part.

The Arabs have taken the lead in making war against Israel—time after time after time. It is their responsibility now to take the first and unilateral step toward peace in the Middle East.

One simply cannot predict what the Israeli response will be until this step has actually been taken. Certainly, it is clear that there will be intense and widespread public discussion and evaluation within that democratic society. The Sadat initiative created a new psychological and political mood in Israel, leading to peace with Egypt and the return of the Sinai. And I believe that a clear and unequivocal recognition of the State of Israel with secure borders will bring about a similar political and psychological change in the present attitudes of the Israeli people, who will then demand that flexibility from their government which is necessary to create peace.●

#### TEMPLE ANNIVERSARY

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. FRANK. Mr. Speaker, Temple Ohabei Shalom in Brookline, Mass., will be celebrating their 140th anniversary. As their proclamation states, Ohabei Shalom had led in a string of firsts in Massachusetts. One of the most significant is that Ohabei Shalom was the first Jewish congregation to be formed in the State of Massachusetts in September 1842. This congregation has a long history of activity in the community, serving not only the religious needs of many families in the Brookline and surrounding area, but serving as an active group that has consistently displayed an interest in the community at large. This congregation represents the values and spirit of cooperation and sharing in the pursuit of the common good that is found all too rarely today.

I have the honor of knowing many members of Ohabei Shalom and it has been a privilege to work with many of the people involved in the congregation. The vibrance of this community is particularly inspiring and it is my pleasure to insert into the RECORD today a copy of the proclamation of Temple Ohabei Shalom on the celebration of their 140th anniversary to be celebrated the week of October 29, 1982.

#### THE 140TH ANNIVERSARY OF TEMPLE OHABEI SHALOM

The Temple has been privileged to have many "firsts" during its history in the Commonwealth.

In September, 1842, it was the first to form a Jewish congregation in this State, the first to establish a Jewish cemetery in Greater Boston and the first Jewish congregation in Massachusetts to be granted a Charter of Incorporation. It was also the first congregation to build a synagogue in Massachusetts, the first to become a Reform Congregation in New England and the first to have legalized Rabbinical marriages in Massachusetts.

The name selected for the congregation was Temple Ohabei Shalom, meaning Lovers of Peace. (Phonetically, the correct pronunciation is: Temple "Ohabay" Shalom.)

A high priority function of a synagogue has always been to provide a Jewish cemetery for the burial of its dead. Prior to 1845, the nearest Jewish cemetery was in Newport, Rhode Island or in Albany, New York. In July, 1844, the Boston City Council permitted Temple Ohabei Shalom to purchase from the East Boston Land Company a 10,000 square foot lot for \$200; the forty affiliated families were assessed \$5 per family by the congregation to enable it to handle the purchase. The lot was located on Byron Street at the corner of Homer Street in East Boston. On October 5, 1844, Ohabei Shalom was given permission to use the lot for a cemetery, which made it the first legally established Jewish cemetery in Greater Boston. The cemetery has since expanded in 1868 and then again in 1874.

Temple locations over the years have been at: Warrenton Street, South End, from 1852-1862; in a remodeled edifice of the First Universalist Society on Warrenton Street, from 1863-1886; in a remodeled South Congregation Church on Union Park Street, from 1887-1925; and from 1925 to present, in the imposing structure at 1187 Beacon Street in Brookline, Massachusetts.

The current edifice, dedicated on December 12, 1928, is described as being Byzantine-Romanesque, suggested by the type of architecture seen along the Mediterranean coasts of eastern Italy and Sicily. The dome of the Sanctuary is over 100 feet above street level and the interior seats 1800, without any obstructing columns.

In order to satisfy the different social interests of all as well as that of specific age groupings of the congregants, five affiliated organizations meet and socialize separately on a regular basis. These Temple affiliates are the Sisterhood, Brotherhood, Family Club, Singles Group and Youth Groups.

The Temple Brotherhood (BTOS) was organized in 1920. Its purposes were many: service to the community, fellowship and the promotion of interfaith goodwill and educational. Since 1920, as a result of its active social and religious action programs it flourished to the point that, during the early 1950's, it proudly boasted of a membership of over 2,000 and was the largest chapter in the National Federation of Temple Brotherhoods in the country. The Brotherhood received national recognition for its Goodwill Dinner meetings, which resulted in the formation of the Massachusetts Committee of Protestants, Catholics and Jews in which the late Ben G. Shapiro played a major role. At the Goodwill dinners the Brotherhood honored such prominent people as: President John F. Kennedy, Eleanor Delano Roosevelt, Richard Cardinal Cushing, Helen Hayes, Abba Hillel Silver, Max Lerner, Henry Cabot Lodge, Arthur Fiedler, Marion Anderson, John Williams, Secretary of Labor James P. Mitchell, Mayor Robert F. Wagner, Jr., Congressman Henry S. Reuss, Harold Stassen, Walter P. Reuther, United States Senators Ted Kennedy, Leverett Saltonstall and Edward Brooke, Arthur Schlesinger and Dore Schary.

The Brotherhood also conducted Nieman Fellows' Meetings honoring such outstanding journalists as: Jack Anderson, Drew Pearson, Chet Huntley, David Susskind, John Hay Whitney, Quentin Reynolds, H. V. Kaltenborn, Harry Ashmore, Edwin O. Canham and Harry Golden and Branch Rickey, Mel Allen, Curt Gowdy and many others representing the world of sports.

The Brotherhood also conducted Sloane Fellows' Meetings, Ladies' Night, and Fa-

thers', Sons' and Daughters' Breakfasts. Brotherhood activities have included sponsoring a boy scout troop, a glee club, veterans' programs, weekend conclaves, good cheer work, blood bank programs, S.O.S. drives to collect clothing and foodstuffs for displaced Jews overseas and Jewish Chautauqua Society activities. Through the generosity of the Ann and Henry Penn Fund, the Brotherhood has initiated a series of scholarships including a Hebrew College Prozdor Scholarship Program for graduates of the Hebrew School. In addition, the Penn Fund has made contributions to numerous worthwhile community and national charities.

The Temple Sisterhood (STOS) began 80 years ago and was then named The Temple Advancement Society. It has since joined the National Federation of Temple Sisterhoods. Over the years, it has reached out to provide valuable assistance in furthering the welfare of our country, community and congregation. During the several war periods, the ladies were a strong ally of the Red Cross and provided personalized caring services to veterans. Also on a national level, through affiliation with the National Federation of Temple Sisterhoods, STOS helps provide scholarships and grants to rabbinical and cantorial students as well as gives support to Jewish youth programs and youth camps. On a community level, Sisterhood serves the Boston Aid to the Blind and contributes to Combined Jewish Philanthropies. The Sisterhood supports the Temple in many ways.●

#### GRATITUDE TO CHUL-HYUN CHUNG

#### HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DYMALLY. Mr. Speaker, my staff and I wish to publicly acknowledge our gratitude for the friendship we have had the privilege of sharing with Mr. Chul-Hyun Chung over the past 6 months. Mr. Chung is the second high ranking Korean Government official who has taken advantage of the Korean fellowship program which is an ongoing feature of my office. Through the program, Korean officials are able to spend 6 months in Washington obtaining firsthand knowledge of how our Congress functions.

Although the expertise officials such as Mr. Chung are able to obtain through their experience here will be invaluable in promoting understanding between the United States and Korea, I feel that all of us have gained something even more valuable from our interchange. When our knowledge of other lands comes exclusively from newspapers and television, it is impossible for us to come to know each other as fellow human beings, as fellow citizens of the same planet. The fellowship program has given us the chance to know Mr. Chung as a friend and coworker. For my staff and myself, Korea is not some faraway

place that we read about in the newspapers. It is home to our friends.

As Assistant Chief of Interparliamentary Affairs, Mr. Chung is responsible for arranging many of the contacts between the Republic of Korea and officials of other nations including our own. In fact, he will make many of the arrangements for the Interparliamentary Union meeting in Seoul, Korea, next year. The U.S. Congress will participate in the meeting. I believe our participation will be facilitated by the knowledge Mr. Chung has gained in his time here with us.

The time when Mr. Chung will return to his wife and children and to life in Korea is now very close. My staff and I find it hard to say goodbye to our new friend. At the same time, we know that the mutual regard built between us over the past 6 months will not be diminished by distance. Through Mr. Chung, we have come to know something of the warmth of the Korean people. We will carry that with us as a lasting token of Mr. Chung's time among us. Our best wishes accompany Mr. Chung as he returns to his family.●

#### RENEWABLE ENERGY TECHNOLOGY

#### HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ROUSSELOT. Mr. Speaker, I join today with Mr. HEFTTEL and several other distinguished members of the Ways and Means Committee in introducing legislation to extend and enhance the business energy investment tax credits for renewable energy technologies.

It pleases me to do so because I am aware of the difficult circumstances under which businessmen, entrepreneurs, and investors in these technologies have labored during the last few years.

The current economic adjustments which are taking place have, of course, created problems for a number of industries. But the renewable energy industries have suffered more than most for a number of reasons:

First, several of them, because of their newness, are composed of a disproportionate number of small businesses compared to more traditional industries. Small businesses, of course, are more hard hit by high interest rates such as we have recently experienced than larger companies. Many of them have difficulty obtaining financing under any circumstances, and unusually high rates simply compound the problem.

Second, owing to an unforeseen slackening of demand across the economy, oil prices have weakened dra-

matically, causing the cancellation of a number of major renewable energy projects for which financial planning was based on steadily rising costs for conventional fuels.

Third, the favorable investment climate which was supposed to have been created by the present tax incentives for these technologies has been drastically altered by a number of events: Inexcusable long delays by the Internal Revenue Service in issuing rules to implement the energy tax credits; attacks by the Department of the Treasury on the business energy credit upon two occasions within the last year; and the effective reduction of the business credit's value by some 20 percent in recent weeks by reduction of the basis for depreciation.

In short, almost since these incentives were originally provided, their impact has been vitiated in a number of ways, none of which have any relation to the inherent value of these technologies.

We continue to have the same national interest in achieving energy independence and in the development of renewable energy technologies as we did 4 years ago when these incentives were first provided. I see nothing to suggest that this situation will change in the foreseeable future. Imports still account for a substantial portion of our energy consumption, and will likely continue to do so for many years to come. With continuous unrest in the Middle East, the national security implications of this unhealthy dependence remain a serious concern. We must begin now to build for the future.

One measure of the potential impact which renewable energy technologies can have on that future is provided by a recent report from Resource and Technology Management Corp., which develops comprehensive data on new energy sources and their market growth. According to the report, renewable energy will contribute about 8.25 percent of this Nation's energy supply by 1985 compared with 7.1 percent in 1980. This 1.15-percent increase amounts to about 125 million barrels of oil saved per year, and will bring the total energy savings from renewable sources by 1985 up to 1.16 billion barrels per year.

Given the proper environment of incentives, it is obvious considerably greater growth can be achieved by these technologies—growth which will more than repay to the Treasury and to our Nation any revenue loss which results in the short term. Renewable energy businesses will pay taxes in future years, both on sales of equipment and on sales of electricity to the utility grid. In addition, business fuel cost writeoffs for conventional fuels will be reduced, thereby supplying the

Treasury with offsetting source of revenue.

For all of these reasons, I join in supporting this legislation, which is aimed at establishing once and for all a favorable and, even more importantly, a stable environment for the continued growth of these technologies. I believe all of us can only gain as a result.●

#### WELFARE REFORM

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HAMILTON. Mr. Speaker, I insert my "Washington Report" into the CONGRESSIONAL RECORD:

#### WELFARE REFORM

To meet the needs of those who require the help of government in order to help themselves, several programs have been enacted over the years. General public assistance, veterans pensions, aid to families with dependent children, housing assistance, home heating assistance, food stamps, medical, supplemental security income, and the earned income tax credit are the largest and most widely known. Taken together, these income-tested programs constitute an extensive "safety net" of protection for the millions of Americans who find themselves at one time or another in serious need.

The safety net is expensive to maintain in good repair. By one count, seven of the large income-tested programs cost approximately \$70 billion in 1981, up from \$25 billion only eight years before. These costs are substantial, yet it is important for us to keep them in perspective. Expenditures for programs of social insurance—such as social security, workman's compensation, medicare, and jobless benefits—are roughly three times as large. Our spending for the safety net is not high in comparison with that of other advanced nations. For many years, this spending has tended to decrease as a percentage of both the gross national product and the federal budget.

When the safety net is considered in terms of the completeness and adequacy of its coverage, it is—to use the words of a former top advisor in the Reagan Administration—"a brilliant success". In 1976, for example, 27 percent of all families (21 million households) would have lived in poverty had it not been for the income-tested and social insurance programs. As it was, only 8 percent of all families (6 million households) were poor. However, no one who knows about the safety net—whether he is a professor, a politician, a taxpayer, or a recipient—would suggest that there are no problems to be attacked. Aside from an obvious concern about costs, both critics and supporters agree that there are several problems:

Assistance is inequitable: Because of wide variation in state support of aid to families with dependent children—there is a wide variation in the monthly payment received by destitute families. Late in 1981, for example, it ranged from a low of \$120 in Mississippi to a high of \$600 in Vermont.

Families are broken up: In many instances, a poor family can receive more support under various programs in the safety net if the husband deserts his wife and chil-

dren and deprives them of his income. The "reward" for such behavior can be thousands of dollars in increased benefits.

There are disincentives to work and thrift: The same factor which prompts the breakup of poor families (that is, benefits are better for low incomes) also leads to avoidance of work. Thrift is discouraged because for many programs, a person must be destitute to get and keep eligibility.

Teen-age pregnancy is encouraged: Critics assert that for certain programs in the safety net, a baby is the "price of admission" for the young woman who cannot find work. She becomes dependent on welfare at an early age, and her child is disadvantaged in life from the start.

Administration is complex: The programs in the safety net call for a vast array of federal, state, and local administrators whose powers are not well balanced or evenly distributed. There is fragmentation in delivery of services, confusion among recipients, and too much paperwork.

Virtually all Americans see the safety net as a vital part of our government. Among our highest priorities must be action to control its costs and correct its faults so that it can protect people more efficiently and effectively. In this regard, a proposal has recently been put forward by a bipartisan group of eight former Secretaries of Health, Education, and Welfare. The group would improve the safety net mainly by strengthening the most basic strand in it—aid to families with dependent children. The suggestions are these:

A family would be eligible for support if the children were deprived of income due to the breadwinner's unemployment or incapacity for work.

A minimum benefit consistent with accepted standards of health and decency would be made available to all eligible families nationwide.

The federal government would provide the minimum benefit, but states would be free to provide supplemental benefits if they wished.

Eligibility would be determined in state offices, whose administrative costs would be almost entirely covered by the federal government.

In determining eligibility, the cost of day care and a portion of monthly income would be disregarded in order to encourage work.

Thrift would be encouraged by allowing a family to accumulate modest savings without risk to its eligibility for the minimum benefit.

Paperwork would be cut back by requiring or permitting states to use standard definitions of income and other key terms in their programs.

The federal government would seek further improvements in delivery of services by letting a few states experiment with their programs.

Far-reaching proposals to overhaul several programs in the safety net have met with little success. The eight secretaries are aware of these failures and have decided in favor of more modest goals. Their proposals are measured, not sweeping. They want to deal with the hard nuts and bolts of these vital programs, not with ideological biases. What is just as important in a time of austerity, the changes they suggest can be adapted to different budgets. Thus, their suggestions are welcome additions to the call for welfare reform, and should receive prompt and full consideration by the President and in Congress.

(NOTE: This newsletter is based on a new report entitled "Welfare Policy in the

United States". It was published by the Johnson Foundation, Inc.)●

#### SUPPORT PUBLIC LAW 94-142

### HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ZEFERETTI. Mr. Speaker, the future and strength of the United States depends upon the quality of education received by our young people. That is why I am deeply concerned about the continuing erosion of the All Handicapped Children Act. The goal of this public law, known as Public Law 94-142, is a simple one: To provide a free, appropriate education to all handicapped children. The All Handicapped Children Act cannot be assailed as frivolous, wasteful, or budget-busting, for it provides an essential educational base for the most vulnerable in our society.

Public Law 94-142 has been the critical factor in assuring that nearly 4 million handicapped children have the right to a basic, appropriate education. Not only has the act confirmed our country's national interest in providing uniformly for the needs of these children, but has also assisted the States in meeting their needs. The Reagan administration now wants to reverse a decade of progress in protecting the rights of handicapped children. While I support responsible efforts to reduce Federal spending in our attempt to control the deficit, I find it irresponsible and reprehensible to dismantle programs affecting those least able to protect themselves.

In the loftiest of terms, President Reagan opened the International Year of Disabled Persons with the following declaration:

Today, there are 35 million disabled Americans who represent one of our most underutilized national resources. Their will, their spirit, and their hearts are not impaired, despite their limitations. All of us stand to gain when those who are disabled share in America's opportunities.

I agree with this statement wholeheartedly. However, I must ask, will the disabled stand to gain when their funds, and the regulations protecting their basic rights, are being curtailed at every opportunity by this administration?

The list of protections which will disappear if this administration's proposed changes go into effect is quite extensive, negatively impacting virtually all the key tenets of Public Law 94-142. A key clause, providing for parental participation in their children's evaluation, has been eliminated in the proposed regulations. In addition, the burden of proof to justify an appropriate education has been shifted to the parents' shoulders. At a time when

they most need Government support and encouragement, the administration asks that the parents' load be increased. The proposed regulations also permit schools to drop necessary health services for handicapped children. In short, these proposed changes in the regulations would serve to break the will and the hearts of many disabled Americans.

When it comes to the handicapped, this administration has said one thing and done another. The issue of keeping the All Handicapped Children Act is one such inconsistency. The changes being sought by this administration, if they are allowed to go into effect, would wipe out the decade of gains in basic civil rights for the handicapped. That is why I adamantly oppose the proposed changes and am a cosponsor of House Resolution 558. This legislation demands that the changes, in their proposed form, be rejected. We cannot allow further reductions in the basic rights of the most vulnerable in our society—handicapped children. ●

#### VOTING RECORD

#### HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DORGAN of North Dakota. Mr. Speaker, on Friday, October 1, 1982, the House passed the conference report of the joint resolution (H.J. Res. 599) making continuing appropriations for fiscal year 1983 by a vote of 290 to 123. That action had my strong support and I do not know why my vote was not recorded. I would like the permanent record to show that I intended to vote in favor of this resolution and that I believe my vote was so cast. ●

#### U.S. AID TO ISRAEL, PUT IN PERSPECTIVE

#### HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an important "Letter to the Editor" which recently appeared in the New York Times concerning U.S. economic aid to Israel.

Many of Israel's critics often employ a misleading argument that U.S. aid to Israel is excessive and should therefore be terminated.

In fact, as this letter clearly shows, our total aid program to Israel is moderate when you consider that most of it is in the form of grants and loans which are payable with interest. Indeed, Israel's debt service to the United States exceeds the amount of

our economic grants. The United States realizes very significant economic benefits from this relationship; since all the money lent and granted to Israel is spent in the United States, jobs are created and our economy is strengthened.

The argument to terminate economic assistance to Israel is shortsighted and fallacious. I commend this "Letter to the Editor" to the attention of my colleagues:

#### U.S. AID TO ISRAEL PUT IN PERSPECTIVE

To the Editor:

George Ball's preposterous arguments in "Divert Aid for Israel to Rebuild Lebanon" (Op-Ed Aug. 25) have been adequately dealt with in three letters published Aug. 31. However, it is important that Mr. Ball's fallacious use of figures concerning our Government's assistance to Israel not remain unchallenged.

Mr. Ball says "our annual subsidy to Israel . . . amounts to roughly \$2.7 billion—\$750 per head for Israel's 3.5 million people. It is as if every American family of five gave Israel \$70 a year."

This statement, from a former State Department official, borders on dishonesty. Here are the facts:

The \$2.6 billion total aid for Israel voted by Congress for fiscal year 1983 consists primarily of military sales credits, or loans, repayable with interest; only \$785 million is in economic support grants.

All the money lent and granted to Israel is spent in the United States, resulting in more jobs here and a stronger economy. Israel's consumer purchases in the U.S. are roughly double the amount of economic aid it receives.

Israel's debt service to the United States exceeds the amounts of our economic grants. In fiscal 1983, the excess figure will be \$185 million.

The people of Israel, among the highest-taxed in the world, carry the burden of defense and pay for peace. Their economic sacrifice for peace with Egypt is estimated at \$17 billion.

By giving up Sinai, Israel lost its almost total oil independence—aside from its huge investments there. Now it spends \$2.5 billion a year on oil imports, an amount equal to this year's foreign aid from the U.S.

I hope these facts will dispel the myth, propagated by George Ball and other detractors of the Jewish state, of Israel's burden on the economy and people of the United States.

#### ROME INTER-PARLIAMENTARY UNION CONFERENCE

#### HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1982

● Mr. BUTLER. Mr. Speaker, the Inter-Parliamentary Union (IPU) Conference just concluded last week in Rome was an occasion to reaffirm democratic principles we cherish in the United States. Since the IPU has a membership of nearly 100 nations, there are clearly participants at these meetings who do not enjoy in their own lands the luxury of political par-

ticipation and debate we sometimes take for granted in the United States. Therefore, we should not hide our democratic example and fear to champion the rights we respect.

As a delegate to the Rome IPU meeting, I was fortunate to speak to the assembly on parliamentary rights and offer a few ideas on parliaments' proper function. A basic point in my address was first that parliamentarians must have rights, but second—and a point I emphasized—was that we cannot expect proper functioning of parliaments without free, open, and vigorous debate on public issues within society as a whole. In this context, I reemphasize how concerned we, in the Western parliaments, remain about continued martial law in Poland. Martial law destroys the democratic foundation on which representative government is constructed.

The plight of the Polish people has not been ignored in the IPU and the many expressions of concern have become a source of irritation for the Soviet delegates who come to defend and apologize for their complicity in the prolonged suppression of freedom in Poland. The President of the Inter-Parliamentary Union and former President of Venezuela Rafael Caldera himself directly spoke of his own concern as he inaugurated the opening of the Rome Conference. IPU President Caldera stated his view that "the situation in Poland transcends its bounds as an internal matter" and vibrates "in the consciences and hearts of those who hold freedom and human rights to be fundamental conditions for the progress of the world toward greater justice and happiness for mankind." Echoes were heard throughout the chamber during the Conference deliberations. I think we, of the U.S. delegation to the Rome meeting, carried the concern of many of our colleagues in this Chamber when we joined with the many other voices in Rome that refused to let the cause of the Polish people be ignored out of politeness or fear of controversy.

I should note two other events of the Rome conference. First, Representative PEPPER and I were charged with the responsibility of representing the U.S. group at meetings of the Western Caucus. These meetings served as examples of how we, of the Western democracies, can coordinate our efforts and proved that we need not be intimidated by the easy and solid unity of purpose of the Warsaw Pact delegations and their allies.

Second, our group held a very warm and productive session of bilateral contact with the Italian parliamentarians. At this meeting, we exchanged views on a variety of matters, and were able to discuss the United States-Italian peacekeeping cooperation that is just now occurring in Lebanon. I came

away feeling the United States-Italian relations are extremely good.

INTERPARLIAMENTARY UNION 69TH  
CONFERENCE

The fall conference of the Interparliamentary Union (IPU) convened in Rome, Italy, September 14-22, 1982. This meeting represented the 69th occasion that the world's parliamentarians have convened in an IPU plenary session since the organization was established in 1889. The IPU is the oldest and most broadly representative interparliamentary association in the world. This year, parliamentary groups from 98 countries are members, and 91 countries sent delegations to the Rome conference. International observers, such as from UN organizations, were also present.

The agenda established for the fall conference included consideration of disarmament, world hunger, world environment, development of parliamentary institutions and decolonization, particularly referring to the Namibia issue. The meeting considered the results of the recent UN Special Session on Disarmament held in New York and the recent UN Environment Program Conference held in Nairobi. The IPU has been particularly active with these inter-governmental negotiations. The conference also gave special consideration to the situation in Lebanon, the invasion of Afghanistan, Ethiopian aggression against Somalia, and the Iran/Iraq war.

At the end of the 10-day session, the conference voted final resolutions on each issue that serve as the communiqués of the results of the conference.

The UPI has played a number of historic roles during the almost 100 years of its existence. Early in this century, it played a key role in establishing international arbitration and initiated the creation of the Permanent Court of International Justice. It has facilitated European reconciliation and cooperation, particularly following the two world wars and more recently, by starting discussions on security and cooperation in Europe that encouraged the 1975 Helsinki Agreement. The IPU serves as a regular forum for debate and resolution on major issues of global significance.

The UPI also provides modest technical assistance and facilitates informational exchange aimed at improving parliamentary institutions throughout the world.

The purpose of the IPU, according to its statutes, is to promote personal contacts between members of all parliaments and to unite them in common action to secure and maintain the full participation of their respective states in the firm establishment and development of representative institutions and in the advancement of the work of international peace and cooperation, particularly by supporting the objectives of the United Nations.

U.S. participation in the IPU and delegations to meetings are in accordance with 22 U.S.C. 276, as amended by P.L. 95-45. In accordance with these provisions, the following Members of Congress served as delegates to the 69th IPU conference: Representatives Claude Pepper (House Chairman), Edward J. Derwinski (House Vice Chairman), L. H. Fountain, J. J. Pickle, E. (Kika) de la Garza, David R. Bowen, Robert McClory, J. William Stanton, M. Caldwell Butler, and Wayne Grisham. ●

## EXTENSIONS OF REMARKS

### NEW FEDERALISM AND THE CHILDREN OF CONNECTICUT

#### HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MOFFETT. Mr. Speaker, on September 29, 1982, the House of Representatives distinguished itself by passing House Resolution 421. This resolution, now adopted, will create a Select Committee on Children, Youth, and Families. The purpose of this panel will be to create a forum; a platform for us to deal with the totality of issues, at the Federal level, of the policies which shape our Nation's most vital assets; children, youth, and families.

Prior to the passage of the resolution, the author, our colleague GEORGE MILLER and myself, held an informal hearing on the effect of New Federalism on the children of Connecticut. The first statement before our panel was made by Karen Traziskas, a woman who benefited from the runaway youth program. It took a great deal of courage for Karen to come before the panel and tell her story. I was, and am, grateful for her participation.

Ed Mattison, a legal service attorney with the New Haven Legal Assistance Association, also participated in the hearings. Unfortunately, Mr. Mattison was called upon at the last minute to speak on food stamps and AFDC—he did not have an opportunity to prepare written remarks. Therefore, to give our colleagues a sense of the insightful observations made by Mr. Mattison, I would like to submit for the RECORD the newspaper account of the proceedings published in the Hartford Courant.

The text of Ms. Traziskas' remarks, and the article highlighting Mr. Mattison's contribution, are printed below.

TESTIMONY FROM KAREN TRAZISKAS AT SEPTEMBER 8, 1982 CONGRESSIONAL HEARING ON "NEW FEDERALISM: ITS IMPACT ON CONNECTICUT'S CHILDREN"

I would like to tell you a little about myself. When I was fifteen, I was having enormous difficulties at home and doing very poorly in school. The school psychiatrist referred me to Junction 1019, a runaway shelter in West Hartford. There I worked with a counselor, his name was Piere Gagnon. He gave me an assignment to write a letter explaining why I was there. At the time, I was very rebellious and refused to believe I had any problems. So, I just wrote a pile of garbage and gave it to him. The next morning I awoke to find that Piere had slept on the couch outside my room and confronted me with what I had written. He was furious; he made me rewrite the letter. In it I admitted that I was an alcoholic which was something I had refused to believe, that I felt very scared and very unloved. Piere absolutely glowed. He had reached me, but that was just scratching the surface. He then introduced me to Rick

October 20, 1982

Lanz, a private counselor who has worked with me for the past 4 years. Throughout that time he has introduced me to the Host Home Program along with many wonderful people. Rick has helped me a great deal. Without the use of that shelter, I wouldn't have had the opportunity to have met him. There are millions of children who are in great need of programs just like the shelter; there can never be enough. In today's society, these programs are absolutely essential.

[From the Hartford Courant, Sept. 9, 1982]

#### WITNESSES ATTACK CUTS IN SERVICES FOR CHILDREN

(By Leonard Bernstein)

WEST HARTFORD.—Lawyers, teachers and social service workers Wednesday attacked President Reagan's New Federalism policies as shortsighted, costly and devastating for state children and the programs that support them.

Gathered at St. Joseph College for a forum, at the request of U.S. Rep. Toby Moffett, 6th District, a diverse group of witnesses said Reagan is rolling back the modest progress that has been made in health care, emergency services, education and nutrition for children.

"In this country, when there is trouble with the economy, it is the children's programs which are cut first," said Susan Sponheimer, head social worker at the Stamford Day-Care Center.

According to the testimony, cuts have cost 19,260 public school students in Connecticut their free lunches, more than 2,000 children of remarried women their welfare benefits and thousands of children the opportunity to go to college.

"This is the worst time to be a legal aid lawyer, and it's not only because our very existence is in jeopardy," said Edward Mattison of the New Haven Legal Assistance Association Inc. "It's because of how bad it feels to talk to our clients."

As an example, he cited a new federal regulation limiting the value of cars owned by welfare recipients to \$1,500—a rule prompted, he said, by the administration's conviction that too many recipients were driving "late-model Cadillacs."

The regulation forced one woman to trade in her 1976 Ford for a cheaper car when she quit her job to stay home with a sick child and went on welfare, he said. "Where is the savings to President Reagan?" he asked.

Moffett, candidate for U.S. Senate, sponsored the forum with U.S. Representative George Miller, Calif., who will present some of the testimony to the House of Representatives' Rules Committee in an effort to win approval for establishment of a Select Committee on Children, Youth and Families.

U.S. Representative Barbara B. Kennelly, 1st District, also attended.

Moffett charged that "\$10 billion in children's services were sacrificed last year so that the Reagan administration could keep the world safe for hypocrisy. What else can one label the policy of a president who purports to be pro-family?"

"The glue that helps keep so many families together is being destroyed—compensatory education for the disadvantaged, juvenile justice, delinquency prevention, day-care services, child nutrition, health and other programs vital to the development of the nation's children," Moffett said. ●

EULOGY IN MEMORY OF THE  
HONORABLE ADAM BENJAMIN

## HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. ROSTENKOWSKI. Mr. Speaker, for the benefit of my colleagues and interested readers of this RECORD, I want to insert the poignant and accurate eulogy given by my friend and colleague, the Honorable LEE HAMILTON, in memory of our departed colleague, the Honorable Adam Benjamin.

This eulogy reflects the impact that Adam had on the lives of Members of Congress who were privileged to work with him. It was given in the SS. Constantine and Helen Greek Orthodox Cathedral in Merrillville, Ind., on Friday, September 10, 1982.

Again, I want to extend my sympathy to Adam's family. We share in their loss and sorrow.

## EULOGY FOR ADAM BENJAMIN

I speak this morning for over 40 members of the U.S. Congress who have come as representatives of the entire Congress to express their deepest sympathy to Adam's family and friends, and to express gratitude for his life.

To his wife Patricia and to his children—Adam III, Alison, and Arianne—I extend the most heartfelt condolences from members of Congress. All of us who knew Adam Benjamin are grateful for his life and for the contributions he made to his friends, his community, his state, and his nation. His life, from West Point to Congress, was in the highest, finest tradition of public service.

Adam Benjamin was a legislator.

I know of no one who was so quick to master the procedures of the House and use them for the benefit of his constituents. He set a record by becoming the chairman of an appropriations subcommittee in his second term.

There used to be a saying in Indianapolis that Adam was the only member of the General Assembly who read all the bills. That gives some indication of the respect his fellow legislators had for Adam's legislative skill.

It is not enough to say that Adam was a superb legislative craftsman. He loved his profession, and it showed. He practiced it with intelligence, skill, conviction, even amusement, and he always had a sharp eye for the foibles of his fellow legislators.

Adam Benjamin was a person who believed deeply in democracy.

He believed in, and lived for, representative government.

Not long ago a person asked me whether democracy could solve all the problems on the national agenda. At the time my response was honest, but not very good. I said that I just did not know. Today, I would amend the answer. I would say yes, so long as it can continue to produce men like Adam.

I remember discussing a difficult vote with Adam only a few weeks ago. I talked with him about the politics of the vote. He understood all of that, of course, but then he smiled and said, "But Lee, an 'aye' vote

is the right vote for the country." So simple, so profound, so shaming, so uplifting.

Adam was a politician.

He enjoyed politics, and he especially enjoyed it as it is practiced in the House of Representatives. He was a great strategist, a strong debater, and, despite firmly held views, was, as a political craftsman, always on the lookout for a suitable compromise. He was always seeking solutions to the problems, not an opportunity to score points. He simply did not care who got the credit for a victory.

Perhaps Adam was a master politician because he came from his constituents. He was a part of them. He worked hard for them. Their problems and hopes, troubles and ambitions were his as well. Their welfare was his primary concern. He thought constantly of how he might serve them better.

Adam had pride in his work as a politician. He believed it was the politician's job to make the country work, to provide stability, to accommodate different points of view, to develop a consensus, and to meet the needs of people. He believed that a politician's work is the chief means of achieving justice for all persons.

Adam Benjamin was a good man.

He was compassionate; he deeply wanted to help people. He had come through the political wars of his county and the state without bitterness—and with everyone's respect. I don't recall him saying a mean remark about anyone. In talking policy issues with Adam, we all had the sense that this man really did care. He acted not for himself, but for others.

Politics exacts a terrible price from families, but Adam bridged the gap between his family and his profession as well as any politician I know. His first priority was his family. He was always very proud of them. His death was all the more sad because it came at a time when he was looking forward to a pleasure that only a parent can know—that of being able to spend more time with his son, Adam III.

Make no mistake, Adam Benjamin was among the very best members of Congress—others are better known, better publicized—but none were better members.

Politics is an all-consuming profession for those who seek to do justice to the great calling of making laws in a free society. Politics, I think is fair to say, consumed Adam Benjamin. Death has done what only death could have done. It kept Adam Benjamin from completing a brilliant career in the United States Congress.

In this day of mourning, let us celebrate Adam's life with thanks.

Let us remember his concern for people. They were not statistics to him, but real, live, warm human beings. He cared for each one of them.

Let us remember his unsparing dedication to work for the betterment of his constituents.

Let us remember the broad smile, the easy manner, the oft-heard phrase from his lips, "What can I do for you, friend?"

Let us remember Adam as he was: warm, restless, inquisitive, dedicated, vital.

His death leaves an empty place in our lives. But his dedication and his spirit will remain a vibrant part of our lives.

Good bye, Adam—and thanks.

Well done, thou good and faithful servant. ●

TRIBUTE TO THE HONORABLE  
L. H. FOUNTAIN

## HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to take part in this tribute to our colleague and my friend and neighbor, L. H. FOUNTAIN. I appreciate JIM BROYHILL requesting this special order and I think it is particularly appropriate for a man of L. H. FOUNTAIN's stature and seniority in this body.

I have enjoyed the relationship that I have developed with L. H. over the years. He has served his country and his State well over the past 30 years. I have always found him to be cooperative and a man on whose word you could depend. His expertise in the operation of Government in the foreign policy of this country will be sorely missed by all of us who looked to him for leadership in both of these vital areas.

It was with sadness that I learned of L. H.'s decision to retire but I want to wish for him and his family a happy and fruitful retirement. ●

THE 25TH ANNIVERSARY OF  
THE LEHIGH VALLEY CHAPTER  
OF THE AIIE

## HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. RITTER. Mr. Speaker, this year marks the 25th anniversary of the Lehigh Valley Chapter of the American Institute of Industrial Engineers. The AIIE is vitally concerned with the productivity of our Nation's industrial and other endeavors. The Lehigh Valley Chapter of the AIIE represents a showcase example to the Nation as to how many organizations which have traditionally shared in the large Federal pie of funds can operate more efficiently and more effectively under the New Federalism. I offer the following observations for my colleagues' consideration.

The American Institute of Industrial Engineers was founded in 1948 at the Ohio State University. It is the only professional society in the United States which represents industrial engineers. The AIIE currently has over 40,000 members in chapters as far spread as Mexico, Canada, Hong Kong, Saudi Arabia, Argentina, and Singapore.

The Lehigh Valley Chapter in Pennsylvania was chartered in 1957 at Lehigh University. This year, 1982, marks its 25th anniversary. There are

presently over 220 members in the Lehigh Valley Chapter of the AIIE, representing most major industries in the Lehigh Valley and in Warren County, N.J.

The AIIE is vitally concerned with the productivity of American industry. They have been for years. That is their most important product. The word "productivity" is used often without much consideration of its real meaning. Absent an effort to increase public awareness, the American public could dismiss the concept of productivity as a fad. The AIIE is trying to provide a portion of the needed public education.

In my congressional district, the Lehigh Valley Chapter has met with many civic and community groups, and chapter efforts have caused the mayors of major cities in the Lehigh Valley to issue proclamations declaring the first full week in October as "Productivity Improvement Week." A similar resolution is before the House of Representatives. House Joint Resolution 565, of which I am a cosponsor. I urge my colleagues in the House to join me in cosponsoring this resolution which includes as its goals, heightened public awareness regarding the importance of true industrial productivity.

Members of the Lehigh Valley Chapter of the AIIE have also been active in the public distribution of literature and information regarding productivity improvement, have worked with the Lehigh Valley Lighthouse Industries for the Blind, served on the industrial engineering advisory committee for Northampton County Area Community College, sponsored Engineer's Week and Productivity Week activities, worked with the Council of Alcohol and Drug Abuse and with the Girls Club of Bethlehem, and initiated a new community affairs program to extend the professional talents of chapter members on a volunteer basis in assisting tax free service organizations and local government bodies in conducting productivity improvement studies and projects.

Such activities by our Nation's professionals will be required to increase the productivity of our charitable and civic organizations which have come to rely directly or indirectly on Federal support. With this support shifting somewhat back to State and local levels, increasing the productivity of such organizations must become one of our first priorities. The activities of the Lehigh Valley Chapter can serve as an example to the Congress and to the whole country.

In summary, I want to congratulate the Lehigh Valley Chapter of the American Institute of Industrial Engineers on its 25th anniversary and commend its efforts to enhance public understanding of real productivity in this area of shrinking resources for Government. I also urge my colleagues in the

House to join me in cosponsoring House Joint Resolution 565 which proclaims the week of October 3 through October 9, 1982 as "National Productivity Improvement Week." ●

## TAX POLICY AND THE ECONOMY IN GENERAL

### HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. FOLEY. Mr. Speaker, on September 16, Chairman DAN ROSTENKOWSKI of the Ways and Means Committee gave what I consider to be an important and wide-ranging address to the Savings Banks Association of New York State on our tax policy and the economy in general.

I submit it to the RECORD for every Member's close and careful examination.

#### SPEECH BY REPRESENTATIVE DAN ROSTENKOWSKI

This is an extraordinary election year. Rather than the traditional boasts of new shipyards, and special tax cuts—Congress is forced to campaign on a hundred billion dollar tax increase along with cuts of 20 billion dollars in medicare, public assistance and other entitlement programs.

Long gone are the euphoric promises of last year's supply-side tax and spending cuts. Today, Washington is seized by the grim statistics of human and business losses that recession continues to exact.

The lullaby of "imminent" recovery once sung by the White House has ended. The promise of swelling business investment and active economic growth have since rotted into unprecedented deficits, crippling long-term interest rates and more than 10 million people out of work.

The President has every reason to cite the dramatic drop in inflation. It was inflation that broke Jimmy Carter's back. But let's not forget the price we've had to pay for lowering inflation.

Long-term interest rates, probably the best measure of economic confidence around the country, remain at destructively high levels—with no compelling evidence that a sustained let-up is coming.

Unemployment remains firm at nearly 10 percent. Leaving aside the emotional factor of unemployment, the overall cost of one percent of unemployment—in hard federal cash—amounts to about 103 billion dollars over three years.

Interest on our rapidly rising debt will be more than 115 billion dollars—nearly 15 percent of this fiscal year's outlays. And that will grow again next year.

Despite Administration predictions a half a year ago that investment for plant and equipment would drop by only one percent, we are now informed that the real figure for this year is better than four times that.

It was against this backdrop that Congress silenced its loudest critics by passing the most wrenching—and by traditional standards, most impolitic—budget ever.

With little encouragement from the President, Congress owned up to the terrible fiscal excesses of last year's tax and spending cuts. Faced with deficit projections for the coming fiscal year of 180 billion dollars

Congress defied all election-year axioms and raised taxes and further cut spending.

One again, we cut heavily into entitlement programs—especially health and welfare. Given the budget target, I think we did the best job of surgery possible. But this year there was no talk of fat. It was all muscle and nerve.

Hardened conservatives unaware of the faces beyond the economic statistics should beware. We have already crossed that inner perimeter of federal responsibility for the care of society. As the economy worsens, and the suffering continues, the spring of social outrage tightens.

The President's embrace of the 98.3 billion dollar tax bill was far more reluctant than his support for spending cuts. That changed once he realized that without his strong public endorsement that 100 billion dollars in potential tax revenue would turn to an additional 100 billion dollar deficit.

He has never conceded that his endorsement was in any way the "mid-course correction" that Speaker O'Neill called for—but it was a major departure from traditional Republican philosophy—and eased the anxieties on Wall Street that Ronald Reagan was an inflexible ideologue, forever opposed to tax increases.

Thanks in great part to Senator Dole, the thrust of the bill was to reach the revenue target—not through a carpet of new taxes, but by collecting taxes already due and reshaping tax incentives written at another time.

Spending and tax decisions for fiscal year 1984 hang on the scales of economic performance over the next few months. Despite the early assumption that our budget work would bring deficits for the coming fiscal year just below 100 billion dollars, the Congressional Budget Office reports that economic assumptions have again changed. Now CBO predicts that deficits for each of the next three years will come in around 150 billion dollars.

As the first half of the President's term comes to a close, national confidence in his economic policies is weak. And prospects for strong recovery remain uncertain. A recent New York Times/CBS poll shows overwhelming doubts about the President and his party's ability to cope with unemployment, fair budgets or social security. By a shocking two-to-one ratio, those polled trusted Congress over the President in its ability to handle the economy.

Congress begins next year with two fiscal howitzers aimed at the Capitol dome: the crisis in social security financing—and another triple-digit deficit.

Social security is—without question—the most intensely political ground over which Congress battles. 36 million are already receiving benefits—and for many it is virtually their only income. 34 million more are over the age of 50—looking ahead to receiving benefits. And financing the system are 115 million workers and employers—many who doubt the system will be alive when they retire.

So far we have avoided the Hobson's choice of cutting benefits, or raising payroll taxes, or borrowing from general revenues. But the deadline for saving the largest trust fund—the retirement fund—falls in mid-1983. That means we must begin work on a refinancing package next February.

The options are no better in cutting down the deficit. If, as the Congressional Budget Office predicts, the deficit for fiscal year 1984 is in the 150 billion dollar range, there will be no joy next January in the State of

the Union message. Once again we will listen to the litany on big government spending—and the gradual suffocation of free enterprise.

For two decades, Republicans have taught the nation to fear high deficits and big government spending. They hammered the country with the notion that waste, fraud and abuse lay only in social programs like AFDC and medicare.

And that's where the President applied the leeches of budget reform. Only defense spending was spared. There, the Reagan budget ballooned to 1.6 trillion dollars. Business and taxpayers in the upper brackets did handsomely in the 1981 tax cut. And then came the rude awakening that the White House had bought the largest deficit in history—with economic recovery nowhere in sight.

Yet the drumbeat for even deeper spending cuts in domestic health and welfare programs—and the protection of the President's defense budget—continues. Until a few months ago it was all right to cut domestic spending in a recession—but raising taxes was anathema.

What we won't hear in the State of the Union message is mention of the cost of the recession. We never hear that a tremendous portion of the deficit is caused by recession—not only the bleeding of federal benefits to the unemployed, the poor and the bankrupt, but also the dramatic loss of tax revenues.

The loss in revenue is astronomic. When the Congressional Budget Office revised its deficit projections for 1985 from 60 billion dollars to 150 billion dollars, 57 billion dollars of the increase was attributed to the continued slide in GNP. They estimate that a one-percent fall in GNP will cost the Treasury 28 billion dollars next year, 46 billion dollars in 1985 and 63 billion dollars in 1986. That's the cost of recession.

We won't get those Reagan recession figures in the State of the Union message; rather, the deficit will be blamed on excessive domestic spending. And once again we will be asked to dig more money out of the elderly and the poor in the midst of a recession. And there looms the bloodiest partisan struggle of next year.

Tax policy, like spending cuts, will rest largely on the White House's assessment of budget deficits—and the political risk of once again raising revenues on a grand scale.

The President may choose to wait out the effects of the last two tax bills—hoping the stimulus of personal cuts and investment incentives will hasten recovery. So far the visible benefits from the cuts have been minimal—belying the promise of supply-side economic theory.

The President's other option is to once again suffer higher taxes rather than higher deficits. For the first time we saw Ronald Reagan put pragmatism before philosophy in throwing his active support behind a tax increase. He "swallowed hard," as he put it, and accepted the conventional wisdom that reducing deficits reduces the pressure on interest rates. He also signaled to the financial markets his capacity for unpopular turnabouts that is the mark of a true leader.

But that turnabout, which was born of self-inflicted deficits, matured, in my opinion, into the best balanced tax reform bill in decades.

How ironic that the Republicans—the keepers of the conservative flame, the protectors of special business interests—led a

frontal assault on shelters for the wealthy—led a frontal assault on excessive business tax cuts—and led a frontal assault on white collar tax fraud.

How ironic that withholding on interest and dividends, limiting deductions for medical costs, business entertainment, and other incentives—so roundly defeated when proposed by Jimmy Carter—were so broadly accepted under Ronald Reagan.

But if the President is again driven to a tax increase to combat deficits—and if the President is committed to protecting the 25-percent personal tax cut and indexation that follow—then further revenue must continue to come through reform and cutbacks of business incentives.

The other alternatives, of course, are to simplify—and broaden—personal income taxes. Or to initiate new taxes—windfall taxes, consumption taxes, transaction taxes. Or—revive old ones.

What we were forced to do in this year's tax bill was not an aberration—it will continue as long as recession and high interest rates and unemployment continue.

Not so long ago, tax policy was largely guided by escalating revenues as a result of inflation. They were the old days before we linked entitlement benefits to cost-of-living increases. We had the false luxury of passing frequent individual tax cuts to take part of the sting out of bracket creep, payroll tax increases and recession.

We also developed the habit of meeting every economic and social emergency with tax remedies—from credits for the working poor to exemptions for pollution control. A review of the tax code suggests that our generosity during the 1960s and 1970s was as frequent as it was costly. It was a knee-jerk that continued right through last year's historic tax cut.

Then dawned the reality of 150 billion dollar deficits—and the continued pressure of cost-of-living adjustments and the rising price of recession.

For better or for worse, Reaganomics has forced sudden change in the doctor-patient relationships that tax writers have had with business.

The era of fiscal survival suddenly arrived. If this year's "fiscal responsibility act" is the watershed I think it is, taxation will play less and less a role in breaking the way for free enterprise, and more of a role in raising revenue.

The nation's recovery depends on its confidence that recovery can last. Only by striking a better balance between social compassion and fiscal toughness can the President lead us out of the wilderness. That will be the test when Congress and the President negotiate next year's national agenda.●

#### THE FLIGHT OF THE REFUSENIKS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. UDALL. Mr. Speaker, I wish to call to the attention of the House of Representatives the continuing plight of a Jewish family who have been refused permission to emigrate from the Soviet Union.

Leonid Shabashev and his family have been "refuseniks" since 1974.

Like other members of Soviet religious and ethnic minorities, their legitimate wishes have been thwarted by their Government.

The case of each refusenik is, of course, tragic, the Shabashevs bear the additional burden of the recent drowning death of their 15-year-old daughter. Their fondest hope now is to emigrate and start a new life—father, mother, and younger daughter—living free from harassment and persecution.

The granting of emigration visas to refuseniks would be a wise move for Soviets, for it would soften their confrontationist stance toward the rest of the world. The Soviets, like all governments, cannot afford an image of brutal disregard for human rights.

My colleagues and I work to bring the stories of these refuseniks into the public forum; we urge the Soviet authorities to respect the rights of those who wish to emigrate; we remind the U.S.S.R. of its commitment to the Helsinki accords. We continue to wait for the happy news that permission has been granted, to the Shabashev family and to others, to live as they choose.●

#### THE FIRST ANNIVERSARY OF THE DEATH OF ANWAR EL- SADAT

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ZABLOCKI. Mr. Speaker, as other Members have already noted, in anticipation of Congress adjournment, October 6 marks the first anniversary of the death of a great leader and statesman, former President Anwar el-Sadat of Egypt.

Mr. Sadat was a frequent visitor to the Committee on Foreign Affairs—dating back to the period when he served as Speaker of the Egyptian Assembly and then subsequently, on numerous occasions, as President. At the time of his tragic assassination, he was undoubtedly the foreign leader who was most widely admired and respected by Members of Congress and the American public.

He was a man who made history, and history will record his noble efforts to secure a just and lasting peace in the Middle East. As the United States now confronts a new and increasingly complex situation in that troubled region, it is only fitting that we honor the memory of a man who was willing to take great risks and assume enormous political burdens in the search for that elusive peace.

If an equitable and enduring settlement of the Arab-Israeli conflict is to be achieved, it will require, on all sides, the vision and the political courage of an Anwar Sadat. That is both

the legacy and the challenge he has left behind.●

# ACID RAIN: IGNORING IT WILL NOT MAKE IT GO AWAY

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BARNES. Mr. Speaker, the problem of acid rain is real. We know how acid rain is created, and we know its effects. And despite the protestations of the Reagan administration to the contrary, we know that clean air is the answer to acid rain. During the 1950's and 1960's many of the industrialized nations of the world simply ignored environmental problems. We thought that there was no end to the amount of pollutants that could be put into our air and water with little or no impact. But now we all know differently. We know that pollution is dangerous to our environment, to the productivity of our lands and waters, and to the health of our citizens.

Yet, as a nation, the United States is still ignoring acid rain. In part, this is because the greatest damage is not being done to our country. It is Canada that is bearing the major burden today. As chairman of the Subcommittee on Inter-American Affairs, which has jurisdiction over U.S. relations in Canada, I am aware that the issue of acid rain is fast becoming the major issue of United States-Canadian relations. Acid rain is not only poisoning Canadian lakes, it is poisoning our relations with our close friends to the north. We must address this situation, and do so now.

If anyone has any doubt about this situation, I urge then to read the excellent series on acid rain by Cass Peterson of the Washington Post. The articles follow:

[From the Washington Post, Sept. 27, 1982]

## THE BORDER WAR OVER ACID RAIN

(By Cass Peterson)

BRACEBRIDGE, ONT.—Charlie Cameron, who has fished the waters of the Muskoka-Halliburton lake country in Ontario for more than 20 years, remembers that the pickerel went first.

Then the lake trout disappeared, and fishermen were soon trading wry jokes about going to the lake to drown worms. "All the finer fish, you just can't catch any," Cameron says ruefully.

This year even the bullfrogs succumbed, and there is unnatural silence in the cottage-studded woods and along the lake-fronts of this famed resort area. But inside those cottages, and in the government buildings of Toronto and the halls of Parliament in Ottawa, there is plenty of vocal anger and resentment. Acid rain is killing fish and frogs in Muskoka lakes and in hundreds of other lakes across eastern Canada and the northeastern United States. The rain is acidified far beyond normal levels by thousands of tons of airborne pollutants from industrial smokestacks.

Acid rain, a relatively new term in the environmental lexicon, is a multibillion-dollar problem—billions in damage and billions in cleanup costs—for Canada and the United States. And increasingly, acid rain has brought ominous new dimensions to relations between two traditionally friendly countries.

Scientists here say that as much as 70 percent of Canada's acid rain damage is being caused by pollutants originating in the United States. They point specifically to sulfur dioxide spewing from coal-fired utility plants in the Ohio Valley.

"Canada's National Minister of Environment, John Roberts, calls it the single biggest irritant in U.S.-Canada relations."

"Canadians have a strong identity with their natural environment," says Keith Norton, Roberts' counterpart in Ontario province. "Close identification with a body of water is part of the Canadian psyche."

Officials here acknowledge that more is at stake in this international debate than music of frogs in the cherished Muskoka cottage country. Research increasingly indicates that harmful effects of acid rain also show up in plant life, and its effects on human health are of growing concern.

The growing body of scientific evidence horrifies Canada. The \$24 billion-a-year forest products business is its largest industry, directly or indirectly employing more than one in 10 Canadians. The vitality of its lakes and streams and lushness of its forests are crucial to tourism, its second most lucrative industry. Its third biggest industry is commercial fishing, and salmon are disappearing at an alarming rate from Canadian streams and rivers.

A cost-conscious Reagan administration quotes figures no less frightening. "We are talking about an investment of in excess of \$100 billion over the next 25 years for a program whose outcome remains uncertain," A. Alan Hill, chairman of the White House Council on Environmental Quality, told a U.S. Chamber of Commerce group last week.

As a solution to the problem, Canada proposes a massive cutback in industrial emissions of both nations. Canada readily acknowledges that its pollutants contribute to acidification of hundreds of lakes in New York, Pennsylvania and other parts of the Northeast. It has moved to cut emissions by 25 percent and promises a similar cut if the United States takes reciprocal action.

Far from rising to the bait, the administration, committed to reducing expensive regulation and promoting new economic growth, has presented a wall of resistance.

Its position, steadfastly defended by the Environmental Protection Agency and the State Department and reaffirmed by Hill last week, is that not enough is known about acid rain to justify the huge expense of Canada's proposal.

More than 3,000 studies have been done in North America and Europe, where Scandinavian countries identified acid rain as a major problem more than a decade ago. There is little scientific disagreement about effects of acid rain or pollutants that cause it, but the White House will not budge.

Until the science is developed, Hill said, "this administration cannot support a further emissions control program."

The problem, as EPA officials express it, is that no one knows precisely what effect, if any, an emissions cutback in one area will have on the lakes of another.

"It's a shot in the dark," says Kathleen Bennett, associate EPA administrator in

charge of air pollution. "You can't say there's any reasonable probability of hitting the target."

Canada counters that the Great Lakes Water Quality Agreement, under which the two countries agreed to take action against phosphate pollution in the Great Lakes, was negotiated using far less conclusive research than exists on acid rain.

"If we had waited for science in the case of the Great Lakes," says Ontario's Norton, "we'd have five of the world's biggest cesspools today."

Roberts puts it even more succinctly. "To procrastinate on the basis of a so-called lack of knowledge would be like hesitating to drain a malarial swamp because we didn't know precisely which mosquitoes were carrying the disease."

Canada's sense of urgency partly involves geographic circumstance. The part of Canada receiving the heaviest onslaught of acid rain is the one most vulnerable to damage—the Canadian Shield, stretching from the Georgian Bay in Ontario to the Ottawa River.

There soil is stretched thinly over ribs of granite left by the retreating glaciers a dozen millennia ago. The natural environment, already highly acidic, has little capacity to buffer the impact of the acid rain.

Aquatic scientists say they do not know how fast the buffering capacity is being lost or whether the damage will be irreversible, but they fear the region could be lost within a decade. When the United States proposes a lengthy program of additional research, Canadians respond that they do not have that much time.

Officials here say the administration's wait-and-see attitude spells almost certain doom for diplomatic negotiations being held under a memorandum of intent signed late in the Carter administration. Canada says the United States has failed to negotiate in good faith under that memorandum, signed Aug. 5, 1980, and worse yet, has reneged on one of the memorandum's key provisions.

The memorandum, in which both countries recognized acid rain as an "important and urgent bilateral problem," called for "vigorous enforcement" of existing anti-pollution laws. But the EPA under Reagan has approved Clean Air Act exemptions that this year allowed legal venting of more than 1 million tons of additional sulfur dioxide.

"That does not appear to be, it is a transgression of an agreement made to us," Roberts says angrily. "I don't think any fair-minded, or even not so fair-minded, person could read that memo and fail to see that limitations were to be applied stringently." The Reagan administration, he said, argues in effect that "the regulations allow exemptions and therefore are being vigorously applied when exemptions are granted."

The last round of negotiations under the memorandum, held in Ottawa last June, showed so little promise that Roberts wonders if they are worth pursuing. "I am not in despair, but I am not optimistic, I'm not sure whether it's very useful for us to continue."

Canada has found more useful an unprecedented, and diplomatically risky, lobbying campaign directed at the branch of government it feels will be most responsive: Congress.

The Canadian Coalition Against Acid Rain, two-thirds funded by government sources, opened a Washington office early last year and started knocking on Capitol Hill doors. The coalition is registered as an agency of a foreign government, although it

uses only private funds to run its Washington operation.

The tactic is greeted testily in Foggy Bottom. "This kind of direct involvement in the legislative process is not something we consider very helpful," says Thomas Niles, the State Department official most directly involved in the acid rain negotiations. "We have an idea that it would be intensely counterproductive."

But members of Congress from the Northeast, whose interest in curbing emissions parallels that of Canadians, have responded with bills that could accomplish legislatively what Canada fears it cannot achieve diplomatically.

The key legislation is an acid rain provision included in the rewrite of the Clean Air Act approved by the Senate Environment and Public Works Committee, chaired by Sen. Robert T. Stafford (R-Vt.). That provision would mandate over 12 years a reduction of 8 billion tons in sulfur dioxide and nitrogen oxide emissions in a 31-state area of the eastern United States. It also would require a speedup in acid rain research.

Canada's Parliament praised Stafford and his colleagues, unanimously voting to commend the committee's move "to force action on the urgent problem of acid rain." But the bill's future is uncertain because of heavy resistance by industry, the administration and congressmen from states that would bear the greatest financial burden of emission cutbacks.

Potentially more important, the Canadians have taken their case into the U.S. courts. With the approval of Ottawa, the province of Ontario has intervened in rule-making and legal actions to force states to comply with existing Clean Air Act provisions on interstate pollution.

In the meantime, Canadian officials accuse the administration of acting in bad faith on additional acid rain research, the one measure the White House says it supports.

In an era of budget cuts, Reagan has proposed a 70 percent increase in research funds to study acid rain—\$22 million for fiscal 1983. But Canada says the administration has been cool to recent scientific findings, including a National Academy of Sciences report last year that recommended a 50 percent decrease in acid depositions, and believes the administration has hindered the research process. The White House rejected a plan to have the National Academy of Sciences and the Royal Society of Canada review research being done by panels under the Memorandum of Intent. Instead, the White House Office of Science and Technology has chosen a group of outside scientists to act as a unilateral "peer review" panel.

The White House environmental adviser said at the time that the earlier NAS report led the administration to wonder "whether an objective review would be done."

Canadian officials see no reason for a separate review but are even more concerned that the panel, with its close White House ties, will be under pressure to make its scientific findings conform with administration policy.

U.S. officials reply that the process has been politicized in Canada, contending that the Canadian government is simply using the issue of acid rain to deflect attention from its more politically divisive economic problems.

Canada, like the United States, is suffering through recession and high unemployment. But Roberts, who holds an elected po-

sition, and other Canadian officials deny that domestic politics affect the acid rain controversy.

"It is not a policy that springs from this government," said Roberts, noting that his predecessor, John Fraser, a member of an opposition party, has spent nearly as much time speaking on the issue as has Roberts.

"That's like James Watt asking Cecil Andrus to go speak in his behalf," Roberts says.

Miles from the swirling debate at the highest levels of government are frustrated residents of Ontario's lake country. Whatever the genesis of acid rain, they know its results.

The Ontario Department of Natural Resources stocks lakes where Charlie Cameron fishes and, when he catches those fish, he finds blackened roe inside. The fish live long enough to be caught but cannot reproduce. Scientists blame acid rain, and Cameron isn't arguing.

"The United States and Canada could stop it if they wanted to," he complains. "It would cost a few billion dollars, but so what? Why not?"

At Plastic Lake, an inelegantly named dot of water in the Muskoka/Haliburton lake region, scientists are conducting intensive research they hope will help end the scientific controversy. Canadian researchers who work here call Plastic Lake an "intensive care unit," and the visual image suggests that.

Dozens of plastic cylinders strewn through the woods collect rain for analysis in nearby trailer-house laboratories. A recent rain there was found to be more than 10 times as acidic as normal rain.

Needles, bark and other bits of litter are caught in fine screen meshes for testing, and trees are monitored to determine how acidity has affected their growth cycle.

While the stuff of international confrontation drips gently from the leaves and trickles across the forest floor, aquatic scientist Dr. Tom Brydges points out concrete conduits that lead into and out of Plastic Lake. Scientists use them to monitor every possible drop of water that enters or leaves the lake.

Plastic Lake is not dead, but Brydges says it is dying. If the study continues long enough and acid rain keeps falling, evidence gathered will provide material for its obituary.

"You don't see massive destruction," Brydges says. "Things quietly disappear."

[From the Washington Post, Sept. 28, 1982]

ACID RAIN VERSUS CLEANUP COSTS SEEN AS A CHOICE OF POISONS

(By Cass Peterson)

CHESHIRE, OHIO—It takes 28 pulverizers, each crushing 60 tons of coal an hour, to feed the two massive boilers at the General James M. Gavin power plant, a behemoth with stacks twice as high as the Washington Monument rising along the banks of the Ohio River.

Gavin can generate 2,600 megawatts of electrical power every hour—about half the generating capacity of Washington's Pepco system—and in the process it burns 7½ million tons of coal a year. Sixty percent of it is high-sulfur coal mined in Ohio.

The coal rolls in by conveyor belt, an umbilical cord connecting Gavin with the Meigs No. 1 mine 10 miles away. In 1980 more than 375,000 tons of sulfur dioxide, a lethal byproduct from burning that coal, poured from the top of Gavin's lofty stacks. The stacks keep the sulfur dioxide away

from the Ohio River, the rich, rolling farmlands of Meigs County, and the 395 residents of Cheshire.

But it doesn't just go away. At its most basic, the problem posed by the phenomenon known as acid rain can be expressed by a simple axiom: What goes up, must come down. The sulfur dioxide undergoes a chemical change in the atmosphere, mixes with moisture and comes down as sulfuric acid in the rain and snow hundreds of miles away, killing vegetation and aquatic life, corroding metal and stone.

When Canadian and American scientists and environmentalists look for the villains in the acid rain problem, their eyes fall on Gavin and dozens of other coal-fired power plants that line the Ohio and other rivers in the coal-rich Ohio Valley.

The people who run Gavin think that's a cheap shot.

"Utilities have historically been an easy target. They're politically vulnerable," says A. Joseph Dowd, an executive with the American Electric Power Co. "It's an administrative convenience to deal with several large sources of pollutants." That AEP is responsible for several large sources of pollutants is not in question. In 1980, Gavin emitted more sulfur dioxide than any other power plant in the United States. Many of the 18 other coal-fired power plants owned by AEP weren't far behind.

But the utilities point out that acid rain can be caused by more than coal-burning. Automobiles, for example, give off nitrogen oxide, which undergoes the same kind of chemical changes in the atmosphere. Scientists put the acidic composition of acid rain at about two-thirds sulfuric acid and one-third nitric acid, and there is some evidence that the nitrogen oxide in the atmosphere may be of additional importance as a catalyst for the formation of acids.

Dispute continues over which ingredient of acid rain causes how much damage and precisely where. But several things are clear: The problem will cost billions to resolve, coal is a major culprit, and electric utilities are the main users of coal.

AEP burns more than 43 million tons of coal every year, much of it high-sulfur coal from its own mines. As pressure grows here and in Canada to reduce sulfur dioxide emissions as a remedy for acid rain, AEP stands to lose on two counts, both of them costly to AEP and to Ohioans. It could be forced to give up its high-sulfur coal mines and use higher-priced low-sulfur coal, potentially throwing hundreds of Ohio miners out of work. Or it could be compelled to clean up its act with expensive equipment to "scrub" the sulfur dioxide from its emissions. Either action would boost electricity rates charged to AEP's customers.

But AEP doesn't think that will happen. It is counting on political pressures and economic arguments to stay its sentence.

"When you come down to deadlines, when the United Mine Workers are running through the halls of Congress, they'll do what is euphemistically called a midcourse correction," Dowd says.

Behind the bravado of Dowd's words lies a very real concern in the Ohio Valley. Unemployment levels here are hovering around 14 percent. The industrial plants that draw their power from the Gavins of the area are reeling under the effects of a nationwide recession.

If the kind of acid rain remedies proposed by Canada or contemplated by Congress became law, Dowd told the Senate Energy and Natural Resources Committee last

month, it would be a "knockout blow to local economies in the Midwest which are already on the ropes."

What most worries AEP and other utility companies is the acid rain provision contained in the Clean Air Act rewrite approved by the Senate Environment and Public Works Committee. That provision would force an 8-million-ton reduction in emissions over 12 years in a 31-state area east of and bordering the Mississippi River.

Utility companies and the coal industry are fighting that legislation with a barrage of figures that even Dowd acknowledges are "so astounding that nobody believes them but us."

AEP says that electricity rates would increase by more than 50 percent for its residential customers, by nearly 80 percent for industrial users. The National Coal Association, quoting figures from the United Mine Workers, says that more than a third of the coal-mining labor force would be affected, and \$6.6 billion in income would be lost every year.

"It's very difficult for a congressman to be courageous when he's confronted with this kind of cost data," says one Capitol Hill aide.

Environmental groups say the industry figures are a lot of hooey, and they back up their assertions with cost studies of their own.

A recent congressional comparison of two of the cost analyses—one done for the Edison Electric Institute, an industry group, and the other for the National Wildlife Federation and the National Clean Air Coalition—found that the annual costs would range between \$2.4 billion to \$4.6 billion in 1990. That translates into a 2.4 to 4.6 percent increase in electricity rates, the study said, and it added that the 10 states most heavily affected by the Senate provision "would still enjoy a significant advantage in lower electricity rates than the other states in the reduction program."

But the congressional study also included a caveat, one of particular importance to AEP and other users of local high-sulfur coal: One of the least expensive methods of reducing sulfur emissions is simply to switch to lower-sulfur coal. Neither study explored the impact of high-sulfur coal states taking action to protect that critical industry by forbidding such switching.

"The practical political reality is that in those states we would never be permitted to switch," says Dowd.

There are a lot of practical political realities at work in this debate, and one of them involves an administration that came into office promising to cut back on expensive regulation and put a foundering economy back on its feet.

With that goal clearly in mind, virtually every agency of the Reagan administration, from the White House and State Department to the Energy Department and the Environmental Protection Agency, has come out solidly against enactment of the Senate acid rain provision or anything like it.

Their key argument is that the scientific evidence does not support costly new regulations. But in her 9th floor office at EPA headquarters in Washington, Kathleen Bennett, associate administrator for air pollution programs, is quick to acknowledge that she is not a scientist. She is a regulator, operating under the purview of cost versus benefit. What she wants, in effect, is some solid evidence that a cutback in emissions at point A will ease acid rain damage at point B.

"There is no nation on earth more willing to control air pollution than the United States," she says. "But you cannot explain to the people that it will save a single lake."

Bennett contends that an effective, though less immediate, mechanism for curbing acid rain is already in place—the Clean Air Act, the rewrite of which is stalled in the House and unlikely to come up for action soon in the Senate.

EPA notes that emissions have already dropped by 5 million tons under the provisions of the 12-year-old Clean Air Act, and under its provisions, new sources of pollution are required to meet stringent "new source" emission levels. EPA says the result, as older and less efficient power plants go out of service over the next couple of decades, will be a gradual lowering of emissions.

"In 1995, we'll be at exactly the same place [as called for in the Senate acid rain provision], without spending a minimum of \$30 billion," Bennett says.

Environmentalists dispute that prediction. In the first place, they say, the acid damage problem is cumulative and its solution cannot wait until 1995. In the second place, they contend that the history of enforcement under the Clean Air Act has not been exemplary. "States have until 1985 to meet 1980 reductions," says Liz Barrett-Brown of the Natural Resources Defense Council. "We're 1.5 million tons away from achieving that."

Meanwhile, utility officials and environmental protectionists in Ohio aren't above doing a little finger-pointing of their own on this subject, suggesting that Canada and the northeast states are the cause of their own distress.

"Those guys have about the worst record in the world," Wayne Nichols director of Ohio EPA says of Canada. Dowd is fond of displaying a chart that shows the pollution densities in New Jersey and Massachusetts are nearly as high as that of Ohio, when nitrogen oxide is added in.

Canada is acutely aware that Canadian auto emissions standards are significantly looser than those in the United States, and that the massive INCO nickel and copper smelter, whose 1,250-foot-high "superstack" is the highest single emitter of sulfur dioxide in North America, sits on the edge of the Georgian Bay just 150 miles north of Ontario's sensitive Muskoka-Haliburton lake country.

But Canada says it is taking steps to bring its polluters into line. In the mid-1980s, INCO was putting 7,000 tons of sulfur dioxide into the air each day. It isn't putting any in the air now—it is closed down as a result of soft world markets—but when it reopens, it will be under government orders to keep its emissions below 2,500 tons a day and then cut them even further, to 1,950 tons a day.

Ontario Hydro, Ontario's major utility company and the second largest contributor of airborne pollutants in the province, is under similar orders to cut its emissions.

Their actions have so far been met with skepticism in Washington. "They're saying we'll control 50 percent if you will, and we'll start when you start," says Bennett. "Start? We've been at it for 12 years."

Utility officials, and their supporters in the Reagan administration, suspect that there is a dark ulterior motive to Canada's concern over acid rain. Forcing U.S. utilities to jack up their rates to pay for expensive emission control programs, they say, will leave an open door for the export of power from Canada's nuclear and hydroelectric generating plants.

"They are using it to advance the sale of power," said Dowd. "There is an enormous amount of generating capacity in that country. They have no market for it in Canada. It's pretty easy to see what will happen."

The theory gained prominence recently when Ontario Hydro and General Public Utilities announced a joint project to bring Canadian electricity into Pennsylvania and New Jersey through a cable under Lake Erie. That project eventually fell through—for economic rather than diplomatic reasons, Canada insists—but it added considerable fuel to the controversy.

The Canadians deny that they have any aspirations to set themselves up as massive exporter of electric power to the United States, and a recent congressional report found that "Canadian electricity probably cannot be substituted on a significant scale for U.S. coal-fired capacity because of technical, regulatory and political constraints."

But the utilities are skeptical, and they have added the electricity conspiracy theory to an arsenal of other arguments against acid rain legislation.

"The industry campaign is highly organized and financed," says NRDC's Barrett-Brown. "All they have to do is cloud the issue."

In a circular included recently in electricity bills, AEP urged its customers to write to their congressmen in opposition to the Senate bill. It was headlined: "Spend 20 cents to save yourself thousands of dollars." ●

#### OBSERVATIONS ON THE 1982 ELECTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report into the CONGRESSIONAL RECORD:

#### OBSERVATIONS ON THE 1982 ELECTION

As the first Tuesday in November draws near, it should come as no surprise that members of Congress are spending much time talking politics and are asking ourselves these questions: What are the main issues in the election? Will President Reagan be involved even though he is not running? Which party will come out on top? What ideas will the candidates try to get across to the voters? What factors will influence the election? How much money will be spent?

With a month to go to election day, the economy is clearly the voters' first concern. A number of factors could alter the picture, but through the summer and early fall, unemployment, inflation, and interest rates have been the issues Hoosiers have talked most about. Imports, social security, and taxes are also mentioned.

The public reaction to the President's economic program will be a key factor in the election. I find a few people who strongly support the program, more who believe that it has not worked up to this point, and many more who are ambivalent about it. People seem to be in a cautious mood, concerned about their own affairs and unwilling to draw firm conclusions about present economic policies. Other matters, such as crime, the social issues, and the nuclear

freeze, may figure in the election, but they will be secondary to the economy. I do not see issues of foreign policy having much impact in congressional elections—except in a few places. I do notice that people are more resistant than before to large increases in defense spending. In many areas, the election is revolving around local issues and the styles and personalities of the candidates. Due to better organization and financing, the Republicans will probably do better if the election has a local focus.

I look for the President to take an active role in the campaign even though his name is not on the ballot: to one degree or another, his economic program will be at issue.

Expectations about the election, which often determine which party wins or loses in the public eye, are generally interpreted in the same way by experts in both parties. The Democrats are expected to gain a substantial number of seats in the House. They now hold 241 House seats, the Republicans hold 192, and there are two vacancies. The election will probably be "won" or "lost" in the battle for the House, and that battle will hinge primarily on the 58 districts where neither party has an incumbent running. No major changes are looked for in the Senate. Of the 32 Senate seats in question, 19 are now held by Democrats and 13 by Republicans. The Democrats are expected to gain governorships even though they hold 20 of the 36 posts at issue.

The Democrats will emphasize the condition of the economy. They will hit at unemployment, business bankruptcies, farm foreclosures, and high interest rates. They will argue that Mr. Reagan's program is unfair, that the President is intent on slashing social security benefits, and that the average American is being squeezed hard by an economic program which cannot work. Their attack will stress the big tax cuts for the rich and the huge cuts in spending for programs intended to benefit middle-class families and the poor. The themes of the Democratic campaign will be a mid-course correction for the economy and a trimming back of the excesses of the President's economic program, which just went too far in terms of tax and budget cuts. For the Democrats, the problems are the personal popularity of the President, the money and virtuosity of the Republican campaign machine, and the perception that the Democrats do not have a good alternative.

The Republicans will emphasize both the past and the future. They will talk about the drop in interest rates and the progress made in cutting the rate of inflation. They will forecast further progress based on economic policies which are painful but fundamentally sound. The unifying theme of their campaign will be the extra chance they think the President should have. They will plead for more time to get the economic recovery underway; after all, it took so long for the problems to develop. Their theme is defensive since it grants that the economic recovery is not yet here despite predictions that it would be. A weak economy is the Republicans' basic problem.

In sum, the Republicans will urge patience and the Democrats will urge fairness. The voters realize that these themes are not earth-shaking. Neither party is breaking new ground.

Politicians are discussing several factors which may make a difference in the election. Polls show that women, by a margin of five to 12 percentage points, support Democratic candidates. Also, it is unclear whether the Republicans will hold the coalition of

voters which won them the Presidency in 1980. Blue-collar workers may return to the Democratic Party, and New Right voters (who are primarily interested in social issues and who may be unhappy with much of Mr. Reagan's record) may go with the Democrats or boycott the election. Yet another factor in this election is the impact of the congressional redistricting which followed the 1980 census. Many hard-hit states—such as Michigan and Ohio—lost congressional seats in Democratic urban areas. The more conservative states in the South and West gained seats. Will this switch favor the Republicans, or will it be offset in states such as California, where the Democrats controlled redistricting?

One aspect of the election is certain even now. Political fund-raising and campaign spending will break all records in 1982. Inflation, while a factor, does not begin to explain the surge in financial activity. Rather, the cause is the "professionalization" of politics in the form of organizers, pollsters, and consultants. It may cost \$20 million just to elect the Governor of California. It is thought that campaign spending for House and Senate races alone will exceed \$300 million, compared to \$240 million in 1980. When it comes to money, the Republicans have a great advantage. They had \$31 million at the start of July. The Democrats had a mere \$2 million. It is obvious why the Democrats fear being overwhelmed.

RICHARD SHAFER

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DYMALLY. Mr. Speaker, congressional offices are, of course, acquainted with the services of our Federal agencies, but usually at some distance from the individuals who actually carry out agency functions. Thus, when I had the opportunity to employ a congressional fellow from the National Institutes of Health, I wanted to take advantage of the abilities of an agency worker, and also widen the base of my office's exposure to such professionals on a personal level. The results have been most rewarding in every way. I enthusiastically recommend these fellowships for the assistance of other congressional offices.

Close contact with Mr. Richard Shafer, the executive officer in the Division of Research Resources at NIH, more than justified my expectation of an excellent learning opportunity. In fact, his innovative and thorough command of assignments quickly proved him to be an indispensable part of my office, so that we all were reluctant to see him leave and resume his career after his 4 months with us. Out of his longstanding involvement at NIH, Mr. Shafer brought to my office a keen sense of administrative order and a sensitivity to the executive branch of Government, helping to bridge the often bogged-down dialog between executive and legislative arms. He adapted to the office so rapidly that within

weeks of his arrival he was training interns himself. Assigned to help cover the Science and Technology Committee, even difficult matters were handled with an ease that made them seem effortless. Progress in developing the Science and Technology Caucus was made possible by his skills; yet these skills were not confined to sheer "job performance." Clearly a person of great capability and responsibility, at the same time Mr. Shafer established himself in the office as a fellow worker, warmly regarded by everyone.

My office misses the spirit and joy that Mr. Shafer brought in to work each day. Federal agencies which maintain professionals of his caliber truly serve Congress and the country well.

IN MEMORIAM—SAMUEL C. JACKSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DIXON. Mr. Speaker, on September 27, 1982, America lost an outstanding businessman, a dedicated politician, an expert corporate attorney, and a staunch civil rights activist. Samuel C. Jackson was a black Republican who served under three Presidents and carried the banner of civil rights to the higher echelons of both parties.

Sam was also a religious man, whose spirituality, sense of humor and zest for life rubbed off on all who knew him. He was a man driven with the desire to make this country a better place for all citizens. Sam was a very successful man who put only his family before his work.

In 1965, President Lyndon B. Johnson appointed him as one of the five original Commissioners of the U.S. Equal Employment Opportunity Commission. In 1969, President Nixon named him Assistant Secretary for Housing and Urban Development, most recently President Reagan named him to the Blue Ribbon Commission on Housing in January of 1981. In 1972, Sam helped organize and became chairman of the Black Council, a group of 40 top-level government officials who opposed a constitutional amendment to prohibit schoolbusing. He was the founder of the Council of 100, a national group of black Republican businessmen who have been influential in Republican politics.

Sam served as general manager of the New Communities Development Corp. He had been a national trustee of the NAACP special contributions fund, and was a former NAACP board member of its national legal committee. Sam served in the U.S. Air Force,

directed the Topeka office of the NAACP and was deputy counsel of the Kansas Social Welfare Department. One of the first cases that Sam worked on as a young attorney was the landmark Brown against Board of Education decision, in which the U.S. Supreme Court held unconstitutional segregation in public schools.

With the passing of this dynamic individual, I have lost a true friend and this country has lost a great humanitarian. To his lovely wife Judith, his two daughters Brenda and Marcia and their families, I extend my deepest sympathy in this loss which we all share. His accomplishments and efforts leave a legacy of which his family and the entire black nation can be proud.●

#### SOMALIAN INDEPENDENCE DAY

**HON. JOHN LeBOUTILLIER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● **Mr. LeBOUTILLIER.** Mr. Speaker, On October 21, an important celebration of freedom from tyranny will be observed by the Republic of Somalia. It was on this day, 23 years ago, that Somalia won a struggle against oppression by winning its national independence. In addition, it is also the 13th anniversary of the bloodless revolution of 1969, which brought the current President, Mohammed Said Barre, into office.

It is, indeed, ironic that the Somali Independence Day will be precluded by the 1½ Ethiopian divisions that have been threatening Somali security since July of this year.

Ethiopia has been the recipient of more than \$3 billion worth of Soviet equipment. By way of contrast, appropriations for FMS credits to Somalia by the United States have been only \$70 million since 1980. Much of this has yet to be delivered.

The necessity of safeguarding Somali freedom should be of primary concern to the United States. Somalia, which controls the vital access to the Bab-el-mandeb at the Gulf of Aden, is of central strategic importance to U.S. interests. If this area is lost to the Soviets, the Western counterweight against full control of the region by the Soviet Union will be lost.

Moreover, as a result of an influx of nearly 2 million refugees fleeing from Communist aggressions, Somalia faces tremendous economic and social problems. Without some type of assistance Somalia will be unable to integrate these refugees into its society.

The Soviet Union has targeted Somalia since 1980. As a result, the United States must be steadfast in its support, and provide the means necessary to preserve the national inde-

pendence of Somalia and the freedom of its people.●

#### NOTCH ACT

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● **Mr. FRANK.** Mr. Speaker, Mr. William Hannan is the retired editor of the Attleboro Sun Chronicle in Attleboro, Mass. Mr. Hannan has been a frequent contributor to the Sun Chronicle since retiring. He has brought to my attention the following editorial that appeared in the Sun Chronicle this fall on the Notch Act. I think this is an instructive editorial that highlights the inequities created by the Notch Act and I wish to share with my colleagues this piece.

The article follows:

#### FAIRNESS DEMANDS REMOVING "NOTCH"

Persons born in the years 1917 through 1919 have a special stake in efforts to undo the effects of the "notch" amendment to the Social Security Act of 1977, but they should be joined by all Americans who believe in fair play.

The "notch" nickname seems to derive from the fact that the amendment chipped out of the Social Security system, as you would chip a notch out of a tree, persons born in those years and assigned them smaller payments than they would have received if they were treated the same as persons born in other years.

The House of Representatives, with the Senate concurring, has directed the commissioner of Social Security and the Secretary of Health and Human Services to conduct a study and report to Congress on steps that can be taken to correct the "benefit disparity known as the notch problem."

The House resolution, H. Con. Res. 22 was submitted by Rep. Brinkley and co-sponsored by Rep. Barney Frank.

It has been pointed out that the economic conditions combined with the formula changes to unjustly penalize when they retired those born in 1917 and thereafter. It also has been pointed out that simply to repeal the 1977 benefit formula would cost the Social Security Old Age and Survivor's Insurance Trust Fund about \$7 billion while imposing a further penalty on those who chose to retire in 1979 through 1981 at age 62 through 64.

It is interesting to note that the National Commission on Social Security, after extensive investigation, agreed that the disparity in benefit amounts was unjust and that steps should be taken to resolve it.

The Social Security system no doubt needs plenty of attention and reworking, but to single certain age groups out for lesser payments than others with identical work records is manifestly unfair. This message would be a good one to send to your legislators in Congress.●

#### THE MULTIEMPLOYER RETIREMENT INCOME PROTECTION ACT OF 1982

**HON. KEN HOLLAND**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● **Mr. HOLLAND.** Mr. Speaker, on September 30, 1982, I introduced on behalf of the Coalition for Pension Reform H.R. 7233, the Multiemployer Retirement Income Protection Act of 1982. Since that time I have received numerous inquiries for further information regarding this important bill. I hope that the following history, discussion of the underlying premises and section-by-section analysis of H.R. 7233 will be helpful.

During the 10-year drive leading to the enactment of the Employee Retirement Income Security Act of 1974 (ERISA), the single most politically potent subject was pension plan termination insurance. The widely publicized Studebaker collapse, which resulted in drastic cuts in benefits of retirees and deferred vested employees, and other similar single employer plan terminations, ignited media and congressional interest as did no other ERISA issue. Although there had been few, if any, terminations of multiemployer plans prior to 1974, Congress was unwilling to provide termination protection for only those employees in single employer plans. Members recognized the difficulty of explaining to the constituent who was a participant in a multiemployer plan why his benefits were not insured against the risk of plan termination while those of his neighbor, a participant in a single employer plan, were fully protected.

But the 1974 insurance program was flawed in several respects regarding multiemployer plans, and fear of mass withdrawal by contributing employers, leading to large claims on the Pension Benefit Guaranty Corporation (PBGC), resulted in the development of the Multiemployer Pension Plan Amendments Act of 1980 (MPPAA), which changed the "insurable event" for multiemployer plans from plan termination to plan insolvency and instituted withdrawal liability. Withdrawal liability was intended to be a control mechanism to prevent abuse of the insurance system through mass withdrawal, and to provide protection to remaining contributing employers against having to assume responsibility for unfunded liabilities attributable to a withdrawing employer.

During the development of MPPAA by the PBGC and, later, in the Congress, PBGC's institutional concerns about mass withdrawal were skillfully exploited, as was the difference in outlook between employers who saw

themselves as "stayers" in multiemployer plans and those who saw themselves as "leavers." In addition, the antipathy of large companies that maintain single employer plans toward PBGC premium increases and toward proposals to use general tax revenues to finance the insurance program was capitalized upon resulting in support for the 1980 amendments from many of those companies, and further fragmenting the employer community.

Recognizing the history outlined above, H.R. 7233 is based on the following premises:

An insurance program that will protect employees and retirees under multiemployer pension plans from plan insolvency is not only necessary and desirable, it is also a political imperative for the Congress;

Withdrawal liability is a necessary component of the insurance program, but the proper role of withdrawal liability is to prevent abuse of the insurance program, not to fund the plans;

The liability of a withdrawing employer is largely a function of the plan's funding status; incentives that cause multiemployer plans to improve their funding will also lower withdrawal liability. The best protection for all concerned—retirees, employees, employers, and the PBGC—is provided by a combination of incentives for better funding and modified withdrawal liability rules;

The insurance program should be funded entirely with premiums paid by the covered plans, and the premium actually paid by a plan should reflect the risk presented by that plan to the insurance program, measured by the plan's funding level;

Notwithstanding the general necessity for withdrawal liability rules, all contributing employers should be treated fairly, whether they are "stayers" or "leavers," and involuntary withdrawals should not result in liability.

Continued viability of multiemployer plans depends not only on removing incentives for withdrawal but also on attracting new employers to join plans, and on eliminating undue disruption in the day-to-day business activities among and between contributing employers and undue impediments to constructive labor relations.

A brief section-by-section analysis follows:

#### BRIEF SECTION-BY-SECTION ANALYSIS OF H.R. 7233, MULTIEMPLOYER RETIREMENT INCOME PROTECTION ACT OF 1982

1. Section 1. Short Title. The short title of the bill is the "Multiemployer Retirement Income Protection Act of 1982."

2. Section 2. Table of Contents.

3. Section 3. Findings and Declaration of Policy. The findings highlight the major problem areas addressed by the bill. Congress finds that in industries in which multiemployer plans exist, existing law—

- a. Adversely affects labor relations;
- b. Unduly restricts ongoing business activities;

c. Makes employers unwilling to join plans, resulting in stagnation or shrinkage of the plans' contribution bases;

d. Treats withdrawing employers inequitably; and

e. Is counterproductive to the best interests of employees in these industries.

The policy of the bill is to—

a. Strengthen plans by encouraging more adequate funding;

b. Treat plans and contributing employers more equitably by instituting a system of risk-related premiums for PBGC insolvency insurance;

c. Normalize day-to-day business transactions among employers;

d. Provide equitable treatment for both employers who remain as contributors to plans and employers who withdraw from plans.

#### TITLE I—AMENDMENTS TO ERISA

4. Section 101. This section explains that references to sections and other provisions in Title I of the bill are references to ERISA, except as otherwise noted.

5. Section 102. Special Funding Rules for Multiemployer Plans (amends ERISA Title I, Subtitle B, Part 3 by adding new section 305A and makes conforming changes in ERISA sections 103, 4003, and 4301).

This section recognizes that the single most important factor in determining the size of a withdrawing employer's liability is the gap between the value of a plan's assets and the value of its liability for vested benefits. It prohibits a multiemployer pension plan from increasing its unfunded vested benefits by providing a retrospective benefit increase or by granting past service credit, unless the "vested benefits funding ratio" (the ratio of plan assets to vested benefits) is (and remains after the benefit increase or credit grant)—

(a) During the first 5 years after enactment of the bill, at least 0.7-1; and

(b) During the sixth and all subsequent years after enactment, at least 0.9-1.

Asset and vested benefit values must be calculated as required for other ERISA purposes under ERISA section 302 ("assumptions and methods which, in the aggregate, are reasonable," etc.).

Plan participants and contributing employers must be notified of plan amendments which increase benefits or grant past service credit, and must also be informed of the calculations used to determine the assets to vested benefits ratio.

PBGC may vary the ratios for recently created or recently merged plans, and for any plan for the first plan year to which the new funding rules apply, under certain specified criteria. Any variance granted may be for only a limited period of time and may not reduce the plan's vested benefits funding ratio below a certain point.

An action by the plan trustees or the collective bargaining parties that violates the ratio rules is void, and any credit or benefit increase provided thereby is disallowed.

This section is effective upon enactment.

6. Section 103. Risk-Related Premiums (amends ERISA sections 4006 and 4022A).

This section designates the premium presently paid by all multiemployer plans to the PBGC for benefit guarantee protection (\$1.40 per participant per year) as the "standard" premium for all plan years beginning after the date the bill is enacted, unless (a) PBGC requests and Congress approves an increase in the standard premium, or (b) (as under existing law) PBGC raises the standard premium to the extent necessary to keep its multiemployer plan assets

as a level that is double the amount of multiemployer plan guaranteed basic benefits actually paid out in the preceding year.

For plan years during which the bill is enacted, all plans would pay the existing \$1.40 premium. Thereafter, a plan would pay at, above, or below the standard rate depending on its vested benefits funding ratio, in accordance with the following schedule:

#### Vested benefits funding ratio and premium

Greater than 0.9-1: 65 percent of standard premium (\$.91).

0.7-1 to 0.9-1: Standard premium (\$1.40).

0.5-1 to 0.6999-1: 150 percent of standard premium (\$2.10).

Less than 0.5-1: 300 percent of standard premium (\$4.20).

As with the new funding rules, calculation of a plan's vested benefits funding ratio must be made in accordance with the standards of ERISA section 302(c).

This section is effective with respect to plan years beginning after the date of enactment.

7. Section 104. Contributions and Benefits Payable Following Plan Termination (amends ERISA section 4041A).

This section provides that when a plan terminates, the funding responsibility of contributing employers is limited to the PBGC guaranteed level of benefits, not all vested benefits. It further provides that, under a terminated plan, benefits for all participants who are more than 5 years younger the plan's normal retirement age at the time of termination shall be limited to the guaranteed level.

This section is effective upon enactment.

8. Section 105. Asset Sales (amends ERISA section 4204).

This section provides two separate rules under which an asset sale will not be a withdrawal.

First, where due to a bona fide, arm's-length sale of assets, a seller ceases operations covered by the plan or ceases contributions to the plan, neither a complete nor a partial withdrawal will occur if—

(a) The purchaser has substantially the same obligation to contribute as the seller had, i.e., is obligated to contribute with respect to the covered operation at least 85 percent of the average of the seller's annual contribution base units during the three plan years ending before the date of the sale;

(b) The purchaser provides a letter of credit equal to the greater of—

(i) The average of the seller's annual contributions for the covered operations during the three plan years preceding the year in which the sale occurs, or

(ii) The seller's contributions for the covered operations during the plan year ending immediately before the plan year in which the sale occurs,

which is due and payable to the extent necessary if, during the five plan years beginning after the sale, the purchaser withdraws from the plan or fails to make a contribution when due; and

(c) The contract of sale provides for secondary liability of the seller if the purchaser has a complete or partial withdrawal and does not pay its withdrawal liability. The seller's secondary liability is calculated as if the seller had withdrawn on the date of the sale without the benefit of the asset sale rule, and is phased down at the rate of 20% a year. For example, if the purchaser's withdrawal occurs six months after the sale, the seller's secondary liability is 90% of the liability the seller would have had absent the

asset sale rules; if the purchaser's withdrawal occurs 30 months after the sale, the seller's secondary liability is 50% of what it would have been; and if the withdrawal occurs after the end of the fifth plan year, the seller has no secondary liability.

If the seller's assets are distributed or the seller is liquidated before the end of the fifth plan year, the seller must provide a letter of credit in an amount equal to the present value of the percentage of withdrawal liability for which the seller would be secondarily liable if the purchaser withdrew at the time of the distribution or liquidation.

The second rule under which an asset sale will not be a withdrawal is if, immediately after the sale, (a) the purchaser's net worth (measured under the controlled group rules) exceeds the withdrawal liability the seller would have had if the sale were considered a withdrawal, and (b) the purchaser's obligation to contribute with respect to the covered operation is substantially the same (85%) as the seller's was.

This section also provides that contribution base units and contribution history attributable to an operation that is sold in an asset sale meeting the requirements of either of the two rules described above (whether or not the sale would, absent this section, result in a withdrawal), are not to be included in any subsequent withdrawal liability determination respecting the seller.

This section is effective upon enactment, but the new rule for disregard of contribution base units and contribution history in a seller's subsequent withdrawal is retroactive if the conditions of the asset sale rule under existing law were met, or if the terms of the sale are amended to satisfy those conditions.

9. Section 106. Exemption From Liability for Withdrawals From Fully Funded Plans (amends ERISA section 4211).

Section 106 makes it clear that there is no liability for a withdrawal that takes place during a plan year which immediately succeeds a plan year in which the plan is fully funded. Resulting unattributable liabilities are, in accordance with regulations of the Pension Benefit Guaranty Corporation, not to be charged to employers withdrawing in subsequent years.

This section is effective upon enactment.

10. Section 107. Actuarial Assumptions and Methods (amends ERISA section 4213).

This section requires the Pension Benefit Guaranty Corporation to prescribe actuarial assumptions and methods for use in determining unfunded vested benefits for withdrawal liability purposes. Plans must use such assumptions unless the plan actuary certifies to the plan sponsor that the PBGC assumptions are inappropriate for the plan, and gives detailed reasons for this conclusion. If a plan uses assumptions other than those prescribed by PBGC, the liability of withdrawing employers under such a plan must be calculated in accordance with the standards of ERISA section 302(c), but the actuary is explicitly permitted to use assumptions that are different from those used for funding purposes.

This section is effective upon enactment.

11. Section 108. Exemption for Certain Involuntary Withdrawals (amends ERISA section 4218).

This section provides that a withdrawal does not occur in four separate kinds of situations:

(a) A sale of assets of a small business that does not meet the requirements for asset sales provided in Section 105 of the bill, or a liquidation of a small business, if the sale or

liquidation occurs within one year of (i) the death of a sole proprietor who was actively engaged in managing the business, (ii) the death of a 50% or more partner, if the deceased partner was actively engaged in managing the business of the partnership, or (iii) the death of a 50% or more shareholder, if the deceased shareholder was actively engaged in managing the business of the corporation;

(b) A natural disaster directly causing cessation of an employer's operations;

(c) Loss by an employer of a service contract or lease which directly causes the employer's cessation of its operations at a facility not owned or controlled by the employer; or

(d) Cessation of an operation at a facility located on property of the U.S., a State, or a political subdivision of a State, as a direct result of government action.

This section is effective upon enactment.

12. Section 109. Dispute Resolution and Payment of Liability (amends ERISA sections 4219 and 4221).

Section 109 provides that, in cases where the statutory arbitration provision is invoked, withdrawal liability payments are not required to begin until 15 days after the employer's receipt of the arbitrator's decision.

Section 109 also (a) shortens the time periods for requesting review of the plan's determinations respecting withdrawal and liability, and for invoking arbitration, (b) clarifies the application of the review process, (c) provides that until PBGC publishes arbitration rules, the rules established by the American Association of Arbitrators shall be used, (d) makes it clear that arbitrators shall not be personally liable for decisions regarding withdrawal liability, and (e) requires the "alternate striking" method of choosing an arbitrator when the parties cannot agree.

The section leaves intact a presumption favoring withdrawal liability determinations made by a plan, but substantially lowers the burden of proof needed to overcome the presumption, from showing "by a preponderance of the evidence that the determination was unreasonable or clearly erroneous" to showing "that the determination was unreasonable or erroneous." Similarly, the "preponderance" requirement is removed respecting challenges to plan determinations on unfunded vested benefits, and the standard for successfully attacking the plan actuary's assumptions and methods is lowered from "significant error" to "error."

Section 109 is effective as to arbitration proceedings commenced after the bill's enactment date.

13. Section 110. Notice of Withdrawal Liability (amends ERISA section 4221).

This section provides that within 270 days of the end of each plan year, plans must provide free of charge to each contributing employer information by which the employer can compute its withdrawal liability, including the actuarial assumptions and methods used by the plan in calculating withdrawal liability. Also, within 90 days of a written request by an employer (and for a reasonable charge), a plan must provide the employer with an estimate of the employer's withdrawal liability. The section makes it clear that receipt of the information or estimate does not preclude an employer from subsequently challenging its validity.

Section 110 is effective for plan years beginning after the plan year during which the bill is enacted.

14. Section 111. Reduction of Liability in Certain Withdrawals (amends ERISA section 4235).

Section 111 provides that in the case of withdrawal due to—

(a) A decertification of a union,

(b) A change in union or a cessation of union representation, or

(c) An agreement between an employer and a union pursuant to which the employer withdraws,

if the participants in the multiemployer plan ("old plan") employed by the employer become participants in another multiemployer plan or in a single employer plan ("new plan"), the old plan must transfer an appropriate amount of assets and benefit liabilities to the new plan, and the employer's withdrawal liability is offset by the excess of the value of unfunded vested benefits transferred over the value of the assets transferred.

This section is effective upon enactment.

15. Section 112. Limit on Contribution Increases for Insolvent Plans and Plans in Reorganization (amends ERISA section 4243).

This section makes it clear that the additional amount that an employer may be required to contribute to a plan that is insolvent or in reorganization (seven percent more than the employer's collectively bargained annual contribution rate) applies on an employer-by-employer basis and not on an aggregate basis.

This section is effective upon enactment.

16. Section 113. Retroactive Withdrawal Liability (amends ERISA sections 4217 and 4402, and MPPAA section 108).

This section eliminates liability for withdrawals occurring before September 26, 1980, the enactment date of MPPAA, and provides that payments already made respecting retroactive liability shall be refunded, except for reasonable administrative expenses actually incurred by a plan in calculating, assessing and collecting such payments.

It also provides that there shall be no liability for withdrawals occurring on or after September 26, 1980, if the withdrawal is the direct result of a facility relocation pursuant to which the construction of a new facility was commenced after April 28, 1980, and before September 26, 1980. As above, plans would be permitted to set off reasonable administrative expenses against refunds of amounts already paid for such withdrawals.

This section is effective retroactive to April 29, 1980.

#### TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE

17. Section 201. Special Funding Rules for Multiemployer Plans.

This section amends Internal Revenue Code section 412 to conform to the ERISA changes made by bill section 102.

18. Section 202. Limit on Contribution Increases for Insolvent Plans and Plans in Reorganization.

This section amends Internal Revenue Code section 413 to conform to the ERISA changes made by bill section 112.

Mr. Speaker, the principles reflected in this bill are supported by a newly formed group, called the Coalition for Pension Reform, a broad-based coalition of more than two dozen employers and trade associations in the meat-packing, wholesale and retail grocery, construction, printing, apparel manufacturing, food processing, maritime,

wholesale distributor, and vending industries. This bill is the result of months of compromise, discussion, and hard work and represents the only proposed modification of the 1980 multiemployer amendments to receive such widespread support. I anticipate that many more employers and associations will soon be adding their support for this bill.

The bill represents an effort to insure the renewed growth of multiemployer plans and to protect the safety of millions of workers' retirement income. I ask that my colleagues give this matter their serious consideration. ●

#### THE ONGOING PROBLEMS OF MINORITY DISCRIMINATION IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, as chairman of the 128-member, 5-year-old Ad Hoc Congressional Committee for Irish Affairs I remain deeply concerned about the devastated condition of the economy of Northern Ireland. The unemployment rate in that nation is averaging 20 percent and all major businesses and industries have fallen on hard times.

The problems are even more acute for the Catholic minority population of Northern Ireland. The cities with the highest unemployment rates, such as Strabane and Derry, with levels as high as 40 percent—have heavy concentrations of Catholics. One of the problems contributing to the depressed economy of Northern Ireland and especially for its minority is the rampant practice of employment discrimination. Our committee, in recent years, has been investigating this problem especially from the standpoint of whether American firms with business in the North are also practicing discrimination. This investigation is continuing but it has been buoyed by a recent article in *Commonweal* magazine by David Lowry, a professor of law at Pace Law School in New York. Professor Lowry's article reveals the findings of a previously secret report on job discrimination in Northern Ireland compiled by the British Government's own Fair Employment Agency.

Discrimination is oftentimes hard to prove unless you are the victim. However, this article presents some very compelling documentation to back up the premise that rampant employment discrimination does exist against the minority in Northern Ireland.

I present this report as still another illustration of the abysmal failure of British direct rule over Northern Ire-

land. For more than 10 years, the British Government has had a military occupation of the six counties of Northern Ireland. They have stifled economic growth and promoted polarization and violence between the people of the North. Add to this outstanding record that they practice employment discrimination, and you have still another compelling reason for the United States to try and encourage the British Government to declare its intention to withdraw from the North. Once this occurs, the United States should lead the effort to provide economic assistance to the North as I propose in my bill H.R. 5163.

I now wish to insert into the RECORD David Lowry's article "Keeping Catholics in Their Place":

#### KEEPING CATHOLICS IN THEIR PLACE

(By David R. Lowry)

A secret report on job discrimination in Northern Ireland was leaked recently to the *Irish Times*. This report confirms the view of close observers of discrimination against Catholics that the British reform legislation of 1976 has not worked. The report was prepared by Dr. Christopher McCrudden, a law professor at Lincoln College of Oxford University, and he notes that British anti-discrimination law enforcement has "failed" and is "in need of a complete overhaul."

In 1976 the British government belatedly enacted the Fair Employment Act which was supposed to help eradicate discrimination in employment against Catholics in Northern Ireland. Job discrimination against Catholics had been a major cause of the civil rights unrest which preceded the current fighting. Since the establishment of the state of Northern Ireland in 1922, Catholics had been systematically and openly discrimination against. By depriving Catholics of equal opportunity, successive Unionist regimes calculated that Catholics would be deprived of income and forced to emigrate to earn a living. Because of this forced emigration Catholics would never constitute a majority within Northern Ireland. Thus discrimination was the cornerstone of Unionist political strategy.

Discrimination leading to emigration of Catholics was very successful. One survey shows that two-thirds of all emigrants from Northern Ireland were Catholic. In this way the electoral impact of the higher Catholic birthrate was negated. Unionists were assured of remaining in power in Northern Ireland, and the future of the state of Northern Ireland as an entity was secured. Systems of discrimination were, and still are, crucially important to the Unionist. If Catholics choose not to emigrate to find work, then one day in the future Catholics will constitute a numerical and hence electoral majority. When that day comes, it is thought that the demise of the state of Northern Ireland will not be far behind.

Successive Unionist governments never faltered on the issue of discrimination against Catholics. Even the relatively more enlightened regime of Captain Terence O'Neill in the late 1960s did not make any legislative or administrative move to undermine discriminatory practices. Thus when Britain assumed direct rule in 1972, everybody, both Catholic and Protestant, anxiously waited for a British initiative in the job discrimination area. Eventually Britain enacted a rather weak piece of legislation in

1976. Now it is clear to all that Britain's approach was ineffective. British legislation has neither improved the situation of Catholics nor diminished Protestant privilege and political hegemony.

The British Fair Employment Act of 1976 established the Fair Employment Agency (FEA) to monitor discrimination in employment. Regrettably the British did not give the FEA effective powers of enforcement. Instead the approach was one of "moral persuasion" by which discriminating employers would be "educated" and persuaded to change their ways. The FEA was never given proper prosecutorial power. How "moral persuasion" could be expected to be appropriate in the midst of entrenched and subtle discriminatory practices during an incipient civil war was never explained.

The FEA did set about doing one of the few things that it was permitted to do—research. Reports compiled by the FEA since 1977 again and again confirm that Catholics are the victims of discrimination in all significant sectors of the Northern Irish economy. In 1980 an FEA study showed that the position of Catholics in relation to Protestants was worsening under British direct rule. Indeed, the 1980 FEA study conclusively demonstrated that the gap between Catholics and Protestants "was widening" and would worsen for the "foreseeable future." But while the FEA was toothless and unable to prevent discrimination, its research findings have added considerably to our understanding of the sheer depth and scope of discrimination against Catholics.

In August of 1977 the FEA decided to embark upon an investigation of skilled trades in Belfast's heavy engineering sector. This investigation has not yet been completed but parts of it have been leaked to the *Irish Times*. The FEA study conforms Ulster Catholics' worst fears.

Skilled trades are highly-paid, high-status occupations, and apprenticeships are much sought after. Skilled or "craft" unions have, during this century, been Protestant-dominated and, consequently, conspicuously silent on the issue of discrimination against Catholics. Northern unions largely reflect the aspirations of Protestant workers and have never taken a position of moral or political leadership. The FEA 1977 confidential investigation shows why this union complicity in discrimination is inevitable.

The FEA found that in the British government-owned Short Brothers aircraft manufacturing plant in Belfast only between 4.5 percent to 8 percent of skilled men are Catholic. Of over one thousand skilled workers at the Harland and Wolfe shipyard there is not one skilled Catholic tradesman—a fact that did not stop the British government from recently giving Harland and Wolfe over \$100 million to continue its operations of both shipbuilding and discrimination. At Standard Telephones only "six or seven" out of sixty-nine skilled workers were Catholic in March of 1980. At the Hugh Scott engineering works in Belfast the firm's workforce is 100 percent Protestant.

Interestingly, in the American-owned Hughes Tool Company plant in Belfast only seven of sixty craftsmen are Catholic. American corporations are seemingly content to engage in patently discriminatory practices which, if performed in the United States, would be manifestly illegal under Title VII of the Civil Rights Act of 1964. American law expressly forbids corporations from "perpetuating the present effects of past discrimination" in race, sex, and religion.

The FEA investigation of the state-owned utility, the Northern Ireland Electricity Service (NIES), is most revealing. Less than 10 percent of NIES engineers and only 12.6 percent of its administrative staff are Catholic. Of the 241 managerial staff at NIES "at least 91 percent" are Protestant. At the modern Ballylumford power station in Antrim only 3 percent of the engineers are Catholic, while at the Coolkeeragh power station in overwhelmingly Catholic Derry less than 25 percent of engineers are Catholic. When asked in 1981, the NIES refused to sign a declaration that henceforth it would pursue equal opportunity in hiring. The FEA's still confidential study of the NIES notes that Catholics are only found in any number in lower-grade jobs. The FEA concludes of the NIES that "all the information we have obtained supports the overall picture . . . that the electricity service has been a Protestant preserve."

In addition to these internal FEA investigations we now have the report on the operations of the FEA by Dr. McCrudden leaked to the *Irish Times*. McCrudden was engaged at the end of 1979 after complaints by some of the senior staff of the FEA regarding the workings of the FEA. McCrudden reported in February of this year and, as yet, his report is still officially secret. He lists twenty recommendations designed to overhaul completely the inadequate and ineffective enforcement powers of the FEA.

McCrudden shows that since 1976 only 216 people have complained to the FEA and, in 1981, new complaints were only running at two or three per month. Most Catholics are discouraged from complaining as there seems to be little point to it, given the fact that the FEA lacks proper prosecutorial power, personnel, financial support, and legislative enforcement machinery. By March of 1982 the FEA had made only ten findings of discrimination and had successfully prevailed in court in only one case, McCrudden concludes: "If one way of assessing the success of the agency is its ability to have findings of discrimination supported in the courts, it has clearly failed." He urges nothing less than "full-blooded affirmative action" if Catholics are not to remain the victims of job discrimination for many generations into the future.

As the British government flunked this issue in 1976 when it established the FEA, it seems hardly likely that the more conservative regime of Mrs. Thatcher will act upon McCrudden's proposals. Thus Catholics will probably continue to suffer the practice and the effects of discrimination indefinitely.

British government officials in the United States continue to argue that Her Majesty's government has addressed the issue of job discrimination in Northern Ireland. The British have always conceded that, prior to the imposition of direct rule from London in 1972, the Unionists in Belfast did indeed discriminate but argued that the British have outlawed discrimination. The British-appointed FEA, powerless though it is, now has clearly and unequivocally contradicted the official British position.

Catholics are now, according to the FEA, worse off than before the ten-year British rule of Northern Ireland. Moreover, in the absence of concerted action Protestant bigotry and supremacy remains unaffected and unchallenged. Catholics will continue to be forced to emigrate to find work, and the artificial Protestant-Unionist electoral majority will remain. The British failure to diminish discrimination condemns future generations of Catholics to the indignity of second-

class citizenship in their own land—a continuing cause of unrest and violence which will surely afflict future generations as it has this present generation in Northern Ireland.

The recent *Irish Times* revelations raise two neglected issues. Firstly, why is the British government continuing to finance at great expense enterprises which discriminate against Catholics—the fact of discrimination having been established by the FEA, an agency of the British government? Secondly, why is it that American corporations doing business in Northern Ireland seemingly "fit in" to the system of discrimination without incurring the wrath of Irish-American politicians? Or, to put that another way, why is it that so many Irish-American politicians devote so little time and energy to the distress of Irish Catholics who are powerless in their own land, especially when this suffering is at the hands of American-owned corporations?●

#### IN SEARCH OF AN OPEN EMIGRATION POLICY IN THE SOVIET UNION

**HON. JERRY M. PATTERSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PATTERSON. Mr. Speaker, the plight of Soviet Jews will be one of the topics discussed at the Madrid meeting of the Conference on Security and Cooperation in Europe on November 9, 1982. At issue will be the violation of the Helsinki accords by the Soviet Union.

The Helsinki accords, endorsed by 35 nations in 1975, seek international cooperation on economic, security, and human rights issues. Under the Helsinki accords, the right to emigrate, especially for the purpose of reuniting families, is given high priority. Despite the Soviet endorsement of this statement of intent, emigration from the Soviet Union has been severely restricted. Furthermore, as Soviet Jews have struggled to reunite with their families in other nations, they have encountered numerous obstacles. In the Soviet Union, their religious traditions are silenced, their educational opportunities are denied and their professional careers are limited. As they pursue their right to emigrate, they are harassed and intimidated. Many become prisoners of conscience, confined and punished for their beliefs.

The Khozin family is among the 380,000 Jews requesting permission to leave the Soviet Union. Abraham Khozin, 33, and his wife, Nina, and son, Mikhail first requested permission to leave in 1977 with Mr. Khozin's parents. His parents were allowed to emigrate to Israel, with the understanding that the rest of the family would soon follow. For 5 years the Khozin family has attempted to get permission to emigrate, and for 5 years their requests have been denied.

Despite the loss of his job and recent accusations that he is guilty of conspiring with foreigners, Abraham Khozin will not be deterred from his goal of reunion with his parents. Every month he fasts for 5 days in protest of the unfairness of Soviet policies.

This month, Mikhail Khozin should be celebrating his bar mitzvah in Moldova Russia. As a result of religious restrictions imposed by Soviet authorities, Mikhail will not be able to participate in this important religious tradition.

Benjamin Schatzman is a young American Jew who will celebrate his bar mitzvah this month. On October 30, when Benjie celebrates his bar mitzvah, he will chant his portion of the haftorah not only for himself, but also for Mikhail Khozin. And, he will draw attention to the plight of all Jews within the Soviet Union as he symbolically shares this special event with Mikhail, his family and friends.

The determined spirit of the Khozin's in the Soviet Union, and the concern of Americans like Benjie Schatzman, should be an inspiration to our Representatives to the Madrid meeting. We have an important commitment to the peoples of the Soviet Union who wish to emigrate. We must continue to demand that the Soviet Union honor its obligations to human rights and its commitment to the Helsinki accords. With dedication and humanitarian resolve, as demonstrated by Benjie Schatzman, a change in Soviet emigration practices may yet be achieved.●

#### REV. W. FRANKLYN RICHARDSON ELECTED GENERAL SECRETARY OF NATIONAL BAPTIST CONVENTION

**HON. RICHARD L. OTTINGER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. OTTINGER. Mr. Speaker, today I would like to bring to the attention of my colleagues the recent election of the Reverend W. Franklyn Richardson as General Secretary of the National Baptist Convention, U.S.A., Inc. On October 29, 1982, representatives from throughout New York State will gather at a major reception to celebrate this milestone in Reverend Richardson's life.

The Reverend Dr. W. Franklyn Richardson is pastor of the Grace Baptist Church in Mount Vernon. He has served as senior minister of the church since 1975. Prior to that he was pastor in Richmond, Va. Reverend Richardson is currently presiding commissioner of the Mount Vernon Housing Authority, chaplain for the Mount Vernon Police Department, president

of the Black Ministers Coalition Council of Westchester and president of the United Black Clergy of Mount Vernon.

The National Baptist Convention, with a membership of 6.5 million, now represents the third largest religious convention in the world. Reverend Richardson has said that the current convention administration will use its influence to address issues that affect the black community and the world community in the areas of economics as it relates to unemployment and minority business development; the survival of black colleges and universities; local political involvement in identifying those politicians and policies that will help to improve the lives of black and poor people; and joining hands with the existing civil rights organizations such as Operation PUSH and the NAACP to work to strengthen these organizations through the black Baptist Church.

I commend Reverend Richardson for his remarkable community involvement and for achieving this vitally important position in the National Baptist Convention. I know that all of my colleagues wish him great success in assuming his new responsibilities. #

#### BULLETPROOF VESTS DO WORK AGAINST "MOST" BULLETS

##### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, I authored a bill, H.R. 5437, earlier this Congress to outlaw handgun bullets that can penetrate the bulletproof vests worn by police officers.

Based on available data, including an FBI report issued earlier this year, my bill would outlaw only eight handgun bullets that are specially made for maximum penetration. Although not used for legitimate purposes, these bullets have been used to shoot and kill law enforcement officers.

Approximately half—or about 250,000—of our Nation's law enforcement officers wear soft body armor on a daily basis. They wear these so-called bulletproof vests for protection against a criminal's handgun, and they have proven very effective. In fact, according to a Justice Department report, the soft body armor worn by law enforcement officers since 1974 has saved around 400 lives.

Unfortunately, this same soft body armor is totally useless against the armor-piercing handgun bullets that my legislation seeks to ban.

Mr. Speaker, in an attempt to illustrate the severity of this problem in real life terms, I wish to insert an editorial, entitled "Others Won't Be So Lucky," that recently appeared in the Bend, Oreg., Bulletin:

#### OTHERS WON'T BE SO LUCKY

If you haven't made up your mind yet about banning Teflon-coated bullets, go talk to Carl Collins.

Collins is assistant police chief in the Idaho town of Wallace. The other day he had stopped a car and was talking to the driver when he felt something strike his back. It wasn't until later, when persistent pain prompted him to take off his bulletproof vest and investigate, that he discovered he had been shot.

Lodged within his vest Collins found a .22-caliber copper-jacketed slug. The pain he had felt was a bruise from the bullet's impact.

Collins was lucky to be wearing the vest. He also was lucky the bullet was an ordinary copper-jacketed specimen. If it had been a Teflon-coated "killer bullet," he might have been killed.

Collins is a walking endorsement for federal legislation to ban the killers—most notably, the KTW bullet. The KTW is a semi-pointed, bronze-alloy bullet with a coating of Teflon, the same stuff used on non-stick frypans. The Teflon lets the bullet pass through most body armor with ease.

The bullet was designed to give police an edge in shoot-outs, but the idea was a bust. Instead of helping police stop crooks, killer bullets give crooks a means of gunning down police who otherwise would be protected by bulletproof vests. The bullets really have no legitimate use; they kill cops, and that's about all.

Rep. Mario Biaggi of New York is pushing a bill in Congress to ban the bullets, but his effort reportedly is running into difficulty in legal language. If the difficulties can be overcome, Collins' experience adds weight to arguments in favor of Biaggi's bill. For some police officers, it could mean the difference between life and death. ●

#### DRUNK DRIVERS ARE HALF THE PROBLEM

##### HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BARNES. Mr. Speaker, the Congress this week unanimously passed legislation that I sponsored, along with our colleague, JIM HOWARD of New Jersey, signaling a major victory in the nationwide battle against the most frequently committed violent crime in America, a crime that is responsible for at least one-half of the estimated 50,000 deaths on our highways annually—drunk driving.

In response to the tremendous momentum that has built up nationwide demanding action to curtail this critical problem, the majority of States are now considering sorely needed legislative and administrative reforms to improve programs aimed at controlling effectively drunk driving.

At the request of an overwhelming majority of Members of Congress, the President has appointed a national commission, of which I am a member, to further help plan a national attack against the epidemic of drunk driving.

These important and crucial first steps to finally curb the drunk driver, however, address just one-half of the tragic epidemic of death and destruction on our highways. The No. 1 cause of death of Americans under the age of 35 years is the motor vehicle crash, and it is costing our economy, according to the National Safety Council, over \$40 billion a year.

Another major part of the problem that must be addressed is the safety design of the automobile itself, and how automobile occupants involved in highway crashes can be best protected from potential death and crippling injuries.

I bring to the attention of my colleagues the following article by columnist Richard Cohen from a recent edition of the Washington Post examining this serious problem:

[From the Washington Post, Sept. 29, 1982]

#### SAFETY

(By Richard Cohen)

Recently a San Francisco driver allegedly ran a red light and crashed broadside into a cab, seriously injuring Mary Martin and Janet Gaynor and killing another passenger. The nation gasped and held its breath for the two actresses, both beloved, both virtual American legends and, if a guess is allowed, cursed the driver. He was charged with drunk driving.

Here, of course, was the perfect—virtually cinematic—example of the scourge of the drunk driver. Famous people were involved in that particular accident, but as we all know, this sort of thing happens time and time again. No one would dispute that it is time to get the drunk driver off the road.

But no one could seriously argue, either, that this is about to happen unless (1) people stop drinking; (2) people stop driving, or (3) driving is limited to elders of the Mormon church. Otherwise, given the number of drinkers and given the number of cars, there are bound to be drunks and they are bound to drive. The depressing logic of that is in the math.

But at virtually the same time that state after state (27 in all) is cracking down on drunk drivers—raising the penalties, insisting on jail, or raising the legal age for driving—the nation as a whole is forgetting some hard-learned lessons about highway safety and ignoring what it already knows about human nature.

For instance, in the press accounts of that San Francisco accident not one article I saw mentioned if any of the cab's passengers were wearing seat or shoulder belts. Not one even said if the cab's back seat was equipped with them and it goes without saying that none of the articles speculated about what would have happened if the cab had been equipped with an air bag to cushion the passengers on impact.

This is not some back-door attempt to blame the victims of the accident for their own injuries. They were certainly not at fault and drunk driving is a serious problem. It takes some 28,300 lives a year and clearly no safety device is either going to stop an accident from happening or help some poor kid about to get run down by a boozed-up driver. This is only to say that we are dealing with just one half the problem: the driver, not the car.

Yet the Reagan administration revoked a rule that would have required air bags or automatically closing seat belts in all cars. That decision, reversed by the courts, is part of the administration's program to deregulate everything in sight.

Some of that is undoubtedly good. But it is not good when it comes to highway safety. You cannot deal with the problem by either pretending it doesn't exist or by thinking that after four years—maybe eight—of a conservative administration human nature will undergo a profound change. One way to deal with accidents is to try and avoid them; another way is to recognize they will happen anyway and try to limit the damage. The best way is to do both.

Interestingly, drunk driving is not the only area where half a solution is being applied to a whole problem. Some 1,800 Americans annually are accidentally killed by firearms and nearly 14,000 are murdered. Yet here again, the problem is being attacked not by depriving people of guns—especially handguns—but by raising the penalties for the use of those guns, as in mandatory sentencing. The fact remains, though, that as long as there are guns and there are people there are going to be accidents—and homicides. It's that dismal math again.

To hold the individual accountable for his actions—either use of a gun or drunk driving—is fundamentally right and moreover conforms nicely with conservative doctrine. But it has its limitations, not to mention a high degree of uselessness. To put a drunk driver in jail is all well and good. But it does nothing for the people he either killed or maimed. An air bag might have, though.

The sad fact is that drunks will continue to drive. The proof of that is in California, where drunk driving declined after a crackdown, but has since bounced back.

And, when you think about it, it doesn't much matter if the guy who broadsided you was drunk, has a heart attack or had taken his eye off the road to watch some pretty girl water her lawn. What matters most to you is the condition you're in after the accident. Putting drunk drivers in jail will certainly help matters. But putting safety devices in cars will help even more.●

#### GENE YOUNG, A PUBLIC SERVANT, PUBLIC ASSET

#### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. THOMAS. Mr. Speaker, I would like to commend a friend and constituent of mine, Supervisor Gene Young, who will retire from public service on November 1, after a long career spent working for Kern County.

Gene Young was born and raised in the county which he has served for more than 37 years. When he ran for Kern County supervisor in 1971, he was no stranger to many people all over the county, having already served for 22 years in the sheriff's department. Capt. Gene Young commanded the sheriff's search and rescue unit, was metropolitan area commander and liaison officer to the sheriff's reserve before leaving full-time law enforcement for the board of supervisors.

As a public servant, Gene Young has earned the reputation for being accessible and ready to help anyone who has needed it. I would venture to say there are not many people in Gene Young's supervisorial district who have not met him at one time or another, and I am sure they will miss him as much as I will.

Having worked with Gene on a number of State/county and Federal/county issues, I can say that he has always defended the interests of Kern County residents when they have been threatened or when they can be assisted. He testified at a House subcommittee hearing on airline deregulation and its effect upon midsize cities like Bakersfield, and he has helped to obtain Federal airport aid in developing Meadows Field in my district.

During his tenure as third district supervisor, Gene Young has twice served as chairman of the board of supervisors, and twice as its vice chairman. He serves on more local, regional, and State agencies than I can even mention here, ranging from criminal justice to health, planning, and the environment.

One of Gene's major interests has always been serving Kern County's and California's matchless natural resources and wildlife. He is a member of the Kern County Fish and Game Protective Association, and his colleagues in the Kern Wildlife Federation have named him Sportsman of the Year for his efforts to preserve wildlife and conserve natural areas for future generations. The Ani-Yun-Wiya Society of Native Americans has four times honored Gene for supporting its activities, the city of Bakersfield has proclaimed a Gene Young Day to honor his wildlife preservation efforts, and the board of supervisors has honored him for the same reason.

Gene's fellow law enforcement officers named him Man of the Year, and the San Joaquin Valley Supervisors Association has also recognized Gene's fine work as president of the group.

His civic memberships include Bakersfield Hi-12, Kern Masonry Caledonia Lodge, Native Sons of the Golden West, East Bakersfield Progressive Club, Footprinters, Kern County Peace Officers, Fairfax Grange, and North of the River Association.

It is fairly apparent from this long list of awards and associations that Gene Young is one man who has given much to his community. I am proud to have known and worked with Gene through the years, and I wish him and his family well as he nears a well deserved retirement.●

#### SOVIET HUMAN RIGHTS VIOLATIONS

#### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. CONTE. Mr. Speaker, it has been almost a year since I last addressed the House concerning the plight of Soviet dissident Alexander Paritsky. At that time I reported that Mr. Paritsky had been unjustifiably arrested for anti-Soviet agitation and propaganda.

In November 1981, he was sentenced to a 3-year term in a labor camp for defaming the Soviet state. The poor conditions there, including his inadequate diet, have contributed heavily to a deteriorating physical condition. Now, under the threat of harsher treatment, he is now being pressured to publicly repent his alleged crimes. Mr. Paritsky applied to emigrate to Israel in 1976. He has now been told that this application will not even be considered until 1990. Meanwhile, his wife and two daughters have been subjected to ever increasing levels of harassment.

At this time, I would also like to bring to your attention the ongoing case of Soviet Jew Anatoly Shcharansky. Mr. Shcharansky has served 5 years of a 13-year sentence for espionage. He has had no visitors and has been able to receive no mail since January. As of September 27, he has begun a hunger strike to draw attention to his ordeal.

Mr. Speaker, I feel the Soviets must be made aware of the amount of public displeasure the American people and Government have over the persecution of Alexander Paritsky and Anatoly Shcharansky. Blatant Soviet violation of basic human rights must be deplored by the free world. Members of Congress must urge the Soviet Union to comply with such accords as the Helsinki agreements and the Universal Declaration of Human Rights.●

#### THE OLDER AMERICANS AMENDMENTS OF 1982

#### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, earlier I introduced H.R. 7256 a bill to consolidate the administrative structure of the Older Americans Act by transferring the title V employment program as well as the Older Americans Volunteer programs to the Administration on Aging in the Department of Health and Human Services.

Let me note from the outset that I propose this legislation as a lifelong friend of the Older Americans Act. During my 14 years in the House I have played major roles in the 1972, 1975, 1978, and 1981 amendments to the act. My primary motivation in proposing this legislation is to protect the integrity of the Older Americans Act and insulate it from the ill-advised budgetary policies of this administration.

I propose this legislation on the heels of the title V program facing a very real threat to its survival. This program, currently administered by the Department of Labor was proposed to be eliminated under the President's first budget proposal in February. A strong and grassroots-based lobbying effort by senior citizens and those who work on their behalf was mounted to the extent that Congress has put sufficient funds in earlier in supplemental appropriations bills. The first two versions of the supplemental were vetoed by the President. The final version was also vetoed, but Congress was successful in overriding the veto largely on the strength of the title V program which would have ended on September 30 were it not for the supplemental.

Title V provides 54,200 low-income older workers with meaningful part-time employment opportunities in community service jobs.

I wish to stress that it is my intention as the author of this legislation that H.R. 7256 is not designed to make any alteration in the existing structure of the title V program. I do hope as part of this legislation and future appropriations bill that we may return to the statutory formula of 76 percent of the title V funds administered by national contractors and 24 percent by States. The alteration made in this formula by the supplemental appropriations bill was most unfortunate and is causing genuine havoc in selected areas of the Nation.

In addition, my legislation would transfer the three Older Americans Volunteer programs under the ACTION to the Administration on Aging. These programs were in fact first authorized under the Older Americans Act of 1969 and then transferred to the Domestic Volunteer Service Act of 1973. These programs, the retired senior volunteer program (RSVP), the Foster Grandparent program and the Senior Companion program employ close to 4,000 low-income elderly in a variety of volunteer positions. They receive small stipends for their work in hospitals, schools, and libraries while in turn providing invaluable services to individuals and the communities.

My reason for making this administrative change is based on concerns I have for the future of the OAVP's parent agency, the ACTION agency.

The administration has expressed certain feelings about the agency and before we are faced with a crisis relative to the agency it seems logical to transfer the programs into a sound administrative structure which can benefit from these new programs by developing a more coordinated Older Americans Act.

It is my hope and expectation that this legislation will evoke serious and intensive discussion within the aging network across this Nation. I serve as chairman of the Subcommittee on Human Services of the House Select Committee on Aging and in this capacity I hope to conduct specific hearings on this proposal to determine its practical effect on the various States as well as the 660 area agencies on aging which operate so effectively in our Nation.

I also put forth this legislation as a forerunner for what I hope is a larger effort in the future—to develop a Cabinet-level Department for the Elderly. I have authored such legislation—H.R. 5280—and see this bill as an opportunity to see how program consolidation centralization does in fact work.

Finally let me conclude that I offer this legislation above all as a realist. Even though I have voted against the budget resolutions for the past 2 years, they have, in fact, been passed. They have in fact provided us with graphic proof that we have entered the era of severe fiscal limits. Therefore, it is wise to insure that we get the most mileage out of the Federal dollar. The Older Americans Act, having dual administrative structures, if reduced to one would free up more funds for actual services. If you add the Older American Volunteer program to the proposition, you develop even more potential for better coordination. The Older Americans Act of the past 16 years has been an unparalleled success story. It is one which should continue.●

#### FUSION ENERGY—THE NEED TO INCREASE RESEARCH

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STARK. Mr. Speaker, our Nation is falling behind in many areas of science and technology. Our preeminence in the areas of automobiles, computers, electronics, and energy research are quickly being overtaken by other nations, such as Japan.

One of the areas in which we currently maintain that preeminence is the area of nuclear fusion research. Our Nation's fusion effort up until 20 months ago had direction, ambition and goals, and was well on its way to

fulfilling its promises. Then the Reagan administration stepped in.

Under the Reagan administration the U.S. fusion energy effort has been set back a number of years. With budget cuts and program slowdowns, our involvement in this program is threatened more each day. We cannot let this happen.

As the following article from the September 28, 1982, issue of EIR International states, the Japanese and the Europeans are willing to move ahead in fusion research without us. That would be a catastrophe for us. We must continue our efforts in the area of fusion energy research. Our independent energy future depends upon it.

#### WILL JAPAN AND EUROPE OUTSTRIP THE UNITED STATES' FUSION EFFORT?

(By Marsha Freeman)

Just over four years ago the U.S.'s magnetic fusion Princeton Large Torus tokamak (PLT) experiment reached record temperatures for a fusion device—over 60 million degrees. On the basis of that exciting breakthrough in fusion research, the federally funded fusion programs in the United States, Japan, and Western Europe were reviewed by panels of scientific experts to evaluate whether the timetable for demonstrating the commercial feasibility of fusion should be moved forward.

The unanimous conclusions of those reviews was a resounding "Yes." In the United States, the Congress passed the Magnetic Fusion Energy Engineering Act of 1980 with the goal of demonstrating the engineering feasibility of magnetic fusion by 1990 and commercial feasibility by the year 2000. The European review gave a full go-ahead to the Joint European Torus, now under construction at the Culham Laboratory in England and scheduled for operations next year, and recommended that design work on the Next European Torus commence. In Japan, the Atomic Energy Commission has just completed its formal five year plan and has outlined a timetable to demonstrate engineering feasibility by the early 1990s and commercial demonstration in the first decade of the next century. These recommendations were first announced a year ago following the review of the Japanese fusion program.

But in the last year, the U.S. fusion effort, which was the pacing program for the rest of the worldwide effort, has shifted gears. Under the influence of President Reagan's Science Advisor, Dr. George Keyworth, and economic advisers such as Office of Management and Budget head David Stockman, national policy for fusion research has been put on a 70-year timetable for commercialization and is in the process of being reoriented to a "pure research" program.

It is clear from presentations made in the first two weeks of September at the fusion meeting of the International Atomic Energy Agency in Baltimore and in a workshop before Congress on Sept. 8, that the European and Japanese fusion programs are outpacing the U.S. effort. If this occurs, it will be the first time in modern history that an advanced industrial nation has thrown away its lead in a crucial science and technology field for the sake of quack economic theories, when there were no scientific or technological obstacles to continued research.

## JAPAN: NUMBER ONE?

A decade ago, Japan barely had a magnetic fusion research program. In 1975 the government decided that the need to develop fusion as an energy source and the challenge to science and industry represented by fusion research qualified fusion as a "national program." The Japanese fusion research budget has increased 40-fold since 1973.

In March 1981, Japan's Nuclear Fusion Council, led by Dr. Shigeru Mori, decided on an aggressive development schedule for fusion which laid out an early 1990s goal to demonstrate engineering feasibility. In talks over the past two weeks, Dr. Mori and other representatives from Japan have explained that their program objectives were to develop fusion energy for Japan and to "establish a high-technology-based country."

According to Dr. Mori, this entails "concentrated investment in frontier technology research and development." Fusion, he said, is a "driving force and a suitable target for high technology" development.

The June 1982 long-range plan of Japan's Atomic Energy Commission pledges to "vigorously advance fusion energy development," a task which includes the construction of a Fusion Experimental Reactor (FER) to achieve self-ignition and engineering feasibility by the mid-1990s, along with alternate, non-tokamak fusion devices. As outlined at the IAEA meeting, the FER combines tokamak characteristics which, until 1980, Japanese scientists thought would be demonstrated in two separate devices—ignition of the fusion fuel, and engineering demonstration. Now they have decided to do both in the one machine, the FER.

The new plan calls for the construction of a demonstration reactor at the beginning of the next century, based on the results obtained from the FER. After that, magnetic fusion in Japan will be ready for commercial introduction into the electrical-generating sector.

Japanese industry is already involved in fusion, another contrast to the United States. Almost all fusion experiments now on line were built not by scientists in laboratories, but by large industrial concerns. Japanese industry, therefore, is already building up years of experience and a highly skilled personnel pool which will give Japan a head start on building commercial fusion power plants over the next 20 to 30 years.

Japan's fusion program is not only running ahead of the United States in terms of the time scale for demonstrating technology, but Dr. Mori reported in his statement to Congress that only 30 percent of Japan's energy use is now electric. Though that will undoubtedly increase, he stated, producing synthetic fuels using fusion energy is a main objective of the Japanese program. The U.S. fusion program has been hamstrung financially and has not been able to allocate significant funding to demonstrate hydrogen and other synthetic fuel production from fusion, though the use of this technology to replace finite fossil fuel resources may well be the most important near-term application of fusion energy.

Japanese representatives reported at the IAEA meeting that designs for the FER are proceeding. Three possible devices, all tokamaks, are being considered. The most interesting is the proposal to put the entire fusion power machine under water—the "swimming-pool reactor" design. The water surrounding the tokamak acts as a shield against the neutrons streaming out from

the nuclear reaction, and, as Dr. Mori remarked, "this is much easier to move out of the way than concrete" when the machine needs to be repaired or modified.

The Japanese are planning a multi-faceted program to develop the technology needed for the fusion subsystems. This includes various ways of heating the plasma fuel in the tokamak, through neutral beam, radio frequency power, or other methods. It also includes cooperative technology upgrades on the Doublet experiment at General Atomic Company in California.

Japan is also planning technology programs to develop large-scale superconducting magnets which are needed to confine the plasma, research into methods of handling radioactive tritium fuel, and materials research to develop materials capable of withstanding the severe conditions of fusion reactions. Up until the U.S. budget crunch of the past 18 months, Japan had been cooperating with the United States in most of these technology fields. Now they are wondering out loud whether they will have to pursue some of this work alone.

## EUROPE CLOSE BEHIND

Dr. Donato Palumbo, fusion director for the Commission of European Communities, reported to the congressional fusion workshop in Washington that the Euratom fusion program was following a five-year plan, approved by the member-states' ministers. The program is operating at guaranteed funding levels, said Dr. Palumbo.

After preliminary results are in from the JET [Joint European Torus] under construction, the Europeans will make a decision on the Next European Torus (NET) machine. In the meantime, teams of scientists are working on conceptual designs for the NET, which they expect will be completed at the end of 1984. Dr. Palumbo said that construction on NET could start at the end of this decade.

At this time, the European effort is just a little under the U.S. budget of \$450 million—about \$400 million for this year. The cost of the 20-year effort they expect will lead to a demonstration reactor, will require about \$20 billion over the next 20 years. "This would require tripling the yearly expenditures of each of the large programs" in the European laboratories, Palumbo explained.

The Europeans, even more than the Japanese, have relied on the successes of the U.S. program to garner support for their effort. With budget difficulties in a number of European nations, as well as the United States, they are trying to formulate joint projects that can be cooperatively managed with the United States and Japan. Dr. Palumbo revealed that discussions were held at the IAEA meeting which might produce a joint machine for the reversed field pinch fusion geometry, involving the team of scientists at the U.S. Los Alamos Laboratory. Also, the fusion ignition experiment Zephyr which had been planned for construction in West Germany but was cancelled due to budget constraints, is being redesigned and may be a candidate for international cooperation.

In the area of materials development for fusion, the entire world effort has waited anxiously for the United States to build the Fusion Materials Irradiation Test facility in Washington state, but this facility has been zeroed out of the budget for the past year. Until about a year ago, the Europeans maintained a policy of encouraging the United States to build the FMIT. Now, reported Palumbo, the Europeans and Japanese are

considering financial participation in building their own materials experiment.

The effort of U.S. fusion policy on the worldwide research program was evident in presentations from visiting scientists and administrators at the two meetings. Both the Japanese and Europeans are resolved to go ahead with this technology and bring it to commercial realization. They will do this, perhaps in closer coordination, even if the U.S. program continues to stand still.

All parties concerned recognize that the entire world effort will suffer without the participation of the facilities, scientists, and engineers of the United States. Nevertheless the Europeans and Japanese are strengthening their resolve to push ahead in this crucial area without the United States if they must, and are seeking to increase international cooperation to take the shortest path to commercial fusion development. ●

ANTHONY VAN DYKE, OUTSTANDING CITIZEN OF 1982, LA PALMA, CALIF.

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PATTERSON. Mr. Speaker, on October 23, 1982, Mr. Anthony van Dyke will be commended by the citizens of La Palma, Calif., for his many years as a devoted public servant. Mr. van Dyke will be honored as the city's outstanding citizen of the year.

As a representative of the 38th Congressional District of California, I wish to call the attention of my colleagues in the U.S. House of Representatives to this fine leader. Tony has long been a friend to many of us in southern California. From the time he first came to Buena Park in the 1960's to the present day, Tony has been involved in community crime control initiatives. Largely as a result of Tony's efforts, La Palma, Calif., today boasts of significant decreases in its crime rate. First as a police officer, later as councilman and mayor of the city of La Palma, Tony has made a concerted effort to protect the public safety.

Tony coordinated the La Palma neighborhood watch program and continues to educate citizens on methods of crime prevention. His involvement in community life is multifold. Tony has served as adviser for and participant in numerous local and State organizations with decisionmaking authority effecting education, transportation, law enforcement, and health policy. Tony van Dyke is a man of vitality and the spirit of his convictions. He has shared this vitality over the course of many years with the citizens of southern California. Tony deserves this tribute as La Palma's outstanding citizen of the year.

Please join me in presenting this honor to Anthony van Dyke. He is an inspiration to us all. Thank you. ●

TRIBUTE TO BEATRICE  
CASTIGLIA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, I have risen on numerous occasions to give special recognition to certain individuals in my home district of the Bronx whose service to the community has proven to be outstanding and invaluable.

Today, I would like to especially commend a personal friend of mine, Mrs. Beatrice Castiglia, founder and president of the R.A.I.N., Inc. (Regional Aid for the Interim Needs, Inc.) which is located on Castle Hill Avenue in the Bronx. R.A.I.N., Inc. is a program which was organized in 1964 to provide an alternative to institutionalization for the elderly and the shut-in in our community. When R.A.I.N., Inc. was founded, it was done so from a deep need to give those very special senior citizens a way to live out the rest of their days in the warm surroundings of their homes and loved ones. Mrs. Castiglia—hard-working wife, mother and now great-grandmother—driven by a deeply religious force and a simple love for her fellow human being, saw a way to give the aged the respect and dignity they so justly deserve.

R.A.I.N., Inc., which is funded by the New York City Department of Aging, Department of Human Resources Administration, and by private contributions, has been a vitally important part of the community for the past 18 years. R.A.I.N., Inc. is particularly important because it was a pioneer program, which served as a catalyst for other programs in the community. Mrs. Castiglia's brainstorm erupted in a series of activities whose results have been for the good of the aging community. R.A.I.N., Inc. is a consortium of full-health home attendant services to maintain the elderly and the shut ins in their own homes and environment as well as serving the many needs of the aging population. R.A.I.N. also operates two senior centers, providing nutritional meals and social functions at the centers.

As the ranking New York member of the House Select Committee on Aging, I share Bea's concern about the growing number of elderly in our Nation. In New York City alone, from 1970 to 1980, the senior citizen population rose from 17.4 to 18.3 percent. These people cannot just be shoved aside—they are an integral part of society whose wisdom and experience are too precious to waste. It is up to us, the rest of the country, the cities, and the communities to make efforts like Bea's to bring these seniors into the main-

stream and forefront of society, where they belong.

On Wednesday, October 13, 1982, Mrs. Castiglia is to be honored by R.A.I.N., Inc. for her 25 years of dedication and service to the community. During those 25 years as a volunteer, Mrs. Castiglia represented what is best about America. The spirit of voluntarism put-to-work benefits millions of senior citizens throughout our Nation. Mrs. Castiglia shows that old fashioned means—human energy and idealism—can achieve modern and effective ends.

I wish to add my hearty congratulations to this special lady, whose past record of awards include the Jefferson Humanitarian Award from Channel 5 in New York and the Apple Polishers Award for Channel 9. One of my favorite sayings is from the Prophet: "When you give of yourself, you truly give." Bea Castiglia truly gives. ●

WHAT SHOULD BE THE LEVEL  
OF U.S. COMMITMENTS FOR  
NATIONAL DEFENSE?

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HARKIN. Mr. Speaker, the 1982-83 national debate topic for high schools is "What Should Be the Level of U.S. Commitments for National Defense?" More specifically, students across the United States will be debating the proposition:

*Resolved, That the United States should significantly curtail its arms sales to other countries.*

I recently delivered a speech on this subject to the Iowa High School debate clinic at Valley High School in West Des Moines, Iowa. It should be of interest to all concerned parties.

REMARKS FOR DELIVERY TO IOWA HIGH SCHOOL DEBATE CLINIC, VALLEY HIGH SCHOOL, WEST DES MOINES, IOWA

Thank you very much.

I appreciate your invitation to be here today to discuss this most important topic. And I'm honored to join you.

I mean that.

Your topic this year is an important one.

But I must admit, when I first heard of it, I had to wonder about your timing.

Given the level of commitment the Reagan Administration has made to military spending and the proliferation of arms around the world . . . we must all ask ourselves:

"Is there any real chance—any chance at all—of getting from this Administration, any kind of real commitment to arms control?"

Probably not—but hope so.

So it is good that the debate will go on.

Hopefully, your activities in the coming year can help us put this important issue back on the national agenda where it belongs.

In recent years, there has been a steady stream of arguments and articles claiming

that it is unreasonable and unrealistic to try to curb U.S. arms sales. This cynical view culminated in the Reagan Administration's decision in fiscal year 1982 to contract \$30 billion in arms transfers.

Administration spokesmen now state, "We will deal with the world as it is, rather than as we would like it to be."

Well, I for one still believe that the United States should significantly curtail its arms sales to other countries. I have heard all the rhetoric and read all the arguments.

I make a premise: "As the world's richest, most powerful, freest and most dynamic country, we, by our actions, make the world the way it is."

Therefore, we can change it.

My second point is this.

The Carter arms sales policy that the critics always point to as naive, failed not because it was unrealistic, but because it wasn't tried.

Those who favor an unrestrained arms sales policy say that if we don't sell the weapons, others will. And the U.S. will lose influence and in some cases, vital interests will be threatened.

I will answer those arguments specifically, and suggest how to overcome those problems. But first, we should review why unrestrained arms sales are harmful to our interests, and why they hurt, rather than help, chances for peace and prosperity in the world.

In the immediate future, there is no question that the United States will continue to sell and transfer weapons and military skills abroad. We do face a political and military challenge from the Soviet Union and we will sell to our allies in NATO as well as Japan, Australia and New Zealand. We also have an undeniable and unbroken commitment to the people of Israel for their defense.

The amount and content of what we transfer in those cases will be debated. But not, whether. That is decided.

Except for those cases, I believe every other sale to every other country should be examined very carefully. If we find that a sale violates the criteria I will set out below, then we should not sell.

Criteria:

1. DEVELOPMENT, NOT ARMS, SHOULD BE THE PRIORITY

When the U.S. sells weapons, even with reduced interest rates, the countries must divert scarce resources away from economic development. In most Third World countries, internal dissent caused by economic problems is usually more serious than any external threats.

India and Pakistan have been locked in a regional rivalry for 35 years. Both are enormously poor. The Soviets have been the primary supplier of India. The U.S. has supplied Pakistan. But our sales have been relatively minor.

This year, however, sales projections are \$1.7 billion. That is \$1.7 billion which are not going to help build Pakistan's economy, which so desperately needs help. At the same time, the Pakistani government is increasing its repression of internal dissent.

The Administration argues that Pakistan needs the weapons for defense against a Soviet threat. But most Pakistani forces are on the Indian border. And just recently, the President of India was here, and arms sales to India were discussed.

The per capita income in both countries is below \$300 per year.

The \$1.7 billion would have been better spent on economic development projects to help modernize Pakistan's agriculture.

Costa Rica, on the other hand, is a relatively prosperous country, by Third World standards. The per capita income is over \$1,000 a year. Its problems are a massive debt caused by higher oil prices, lower coffee prices, and excess government spending.

It's greatest asset is that it has no army, absolutely none.

However, our ambassador to the U.N.—Jeanne Kirkpatrick—lectured the Costa Ricans last year that they should build up an army and receive American military aid.

To date, the Costa Ricans have refused.

While their present problems are severe, they are living proof that development—not armies—create peaceful societies.

The Shah of Iran was a textbook example.

Although there are many reasons why his government was overthrown, one of the major reasons was his emphasis on military build up over economic development.

In the 1960's, Iran was a net exporter of food.

In the 1970's, the Shah's government concentrated on unrivaled purchases of American weapons. Soon, the Shah was a net importer of food. The agriculture system fell apart. People flocked from the countryside, but increasingly, found no jobs. It was they who were the foot-soldiers of the Iranian revolution which overthrew the Shah.

He dreamed of the Persian Empire, and Presidents Nixon, Ford, and Carter backed those dreams. He should have dreamed of making sure his agriculture stayed strong and prospered so Iranians could be fed and so they would have jobs.

He did not.

And now, those American weapons are in the hands of a government brutally hostile to the United States, and a threat to its neighbors.

So, history has shown that development produces security and stability—arms sales promote insecurity and instability.

## 2. ARMS SALES PROMOTE REGIONAL INSTABILITY

U.S. law states that American weapons are to be used only for defensive purposes. However, that is not always the case. Morocco has used, primarily U.S. weapons, to attack the Western Sahara. Indonesia used 90 percent U.S. weaponry to invade East Timor . . . and then we provided millions of dollars in more weaponry to Indonesia to subdue and occupy it.

The Moroccan invasion of the Sahara has divided African nations as no other issue has. It has led to much greater tensions between Morocco and its larger neighbor Algeria. Many experts believe that if no peaceful diplomatic solution is found, eventually that war will bring down the pro-western government of King Hassan.

And yet both the Carter and the Reagan Administrations have increased arms to Morocco from pre-invasion levels.

Indonesia's brutal occupation of East Timor was another clear violation of arms sales laws. U.S. weapons were used successfully to reduce to insignificance the guerillas fighting for continued independence, and in the process, cause the death of between one hundred and two hundred thousand people. But that guerilla movement, however small, still continues. Six and one-half years after the invasion, Indonesia holds over 4,000 political prisoners.

Today, East Timor is no longer in the news.

Our relationship with the government of Indonesia is "excellent."

But, four years ago, who ever heard of Central America . . . El Salvador?

In the last six months, two Indonesian officers have defected from the Indonesian armed forces because of the war in East Timor. If that war starts up again, in earnest, the whole fabric of the Indonesian nation which unites hundreds of islands could unravel.

That is the future danger which our arms sellers with their short-term interests ignore.

The U.S. often finds itself providing arms to two sides of a conflict.

For many years, the United States was the major supplier of both Chile and Argentina. They have a boundary dispute in the Beagle Channel so bitter that Chile, unlike almost all of Latin America, supported Britain over Argentina in the Falkland Islands war.

Congress stopped sales to both countries because of human rights violations. The Reagan Administration proposes to restart them. But what would the weapons be used for? Either against each other or against their own citizens.

We should sell to neither.

Peru and Ecuador are both democracies. Their armies during the Carter years both returned the governments to civilian, democratic government. Some support is warranted. But Peru and Ecuador have fought only once in recent years and that was against each other. The fighting was minor, but we should be very cautious. Arms to both could cause flare-ups.

The Middle East is perhaps the most unstable region in the world today. Since the OPEC cartel provided the Arab countries with almost unlimited wealth, the United States, the Soviet Union, France and England have flooded the region with weapons.

The proponents of arms sales often tell us those sales provide leverage over the recipient country. And yet we know from the recent tragedy in Lebanon that is not true. Despite an Israeli promise to the U.S. government, the Israeli army marched into West Beirut and then allowed Christian militias to enter . . . with brutal results.

On the other side of the ledger, the sale of AWACS and fuel tanks for F-15's to the government of Saudi Arabia has, in my judgment, done nothing to safeguard our interests and has weakened stability.

The day after the Senate refused to join the House in disapproving that sale, Saudi Arabia raised oil prices, condemned Oman for allowing the United States to base military equipment there, and resumed relations with Libya.

In addition, an F-15 can be countered only with another F-15. The new fuel tanks will allow Saudi Arabian F-15's to engage Israeli F-15's. Israel will, in time, undoubtedly respond by adding to its arsenal and inevitably, the U.S. will supply that countermeasure.

The U.S. will continue to supply both Israel and Saudi Arabia. But Israel does not need all we supply it. Certainly we do not need to sell it either cluster bombs or white phosphorous. And we can sell much less to Saudi Arabia. Its population of four million, with two million foreign laborers, cannot absorb the billions in weapons and military bases we are providing.

Israel rightly fears those weapons falling into the hands of more radical Arab powers. We should fear undermining the fragile fabric of Saudi Arabian society which is just emerging from feudalism by—overnight—trying to create a modern armed force and supporting infrastructure. We know from

the case of Iran, the envy felt by the average Iranian for the foreign military advisors and the Iranians who got rich from military or military related contracts.

Finally, there is the case of Southeast Asia.

We will sell \$250 million in defense articles and services to the countries of the Philippines, Indonesia, Thailand, and Malaysia. The external threat always cited is Vietnam.

This is the same Vietnam which, from 1970-1975, received \$11.6 billion in U.S. military aid. At that time, we needed to supply Vietnam to counter the threat from China.

Except now, China has changed sides and encourages the U.S. to support these countries against Vietnam, its former ally and present enemy. Who benefited from the earlier military aid to Vietnam? Who benefits now?

Certainly not the people in these countries.

Southeast Asia shows the folly of unrestrained arms sales.

## 3. THE U.S. SHOULD NOT PROVIDE ARMS TO GROSS VIOLATORS OF HUMAN RIGHTS

The United States should never provide arms to governments which deny their own citizens their basic human rights.

Arms sales are never neutral.

They always signal political support of the recipient government. When that government is one that is authoritarian, it will always have the effect of allowing that government to rely less on the support of its own people. When that happens, the chances of that government falling to revolutionary forces is increased, and U.S. interests may suffer.

Again, Iran is the classic case.

The Shah used torture, political prisons, and secret police to enforce his powers. Despite this record, he received more and more U.S. weapons . . . more than \$12 billion worth since 1950.

The Shah came to believe—that with all his U.S. weapons—he was invincible. He was not. By the time he realized he needed the support of his people, the people had—in desperation after years of repression and years of neglect of the rural infrastructure—turned to the Ayatollah Khomeini. It was too late.

Although the amount of weapons provided was different, the story was the same in Nicaragua. The dictator, Anastasio Somoza believed that he was safe. His troops were trained by the U.S. Army and weapons came from our arsenals. Before he fell, Somoza received \$27.4 million in U.S. weapons and equipment, and we spent \$11.6 million to train 5,740 of his soldiers and officers.

He ruled Nicaragua with an iron fist . . . like it was his own private kingdom. He was worth hundreds of millions of dollars, while most of his people barely subsisted.

When rebellion broke out—as it usually eventually does under those conditions—Somoza made no effort to liberalize his government. His National Guard instead, waged war without restraint against Nicaraguan peasants. And the whole country turned against him. He, too, fell.

Today, the U.S. is providing El Salvador \$81 million in military aid. That, according to the arms sales proponents, should give us leverage. But it does not.

Despite the Administration's belated recognition that human rights violations by the Salvadoran army hurt the war effort, it has had no success in restraining the barbarous practices of that army.

Only mistakes by the guerillas and their own division have prevented a military victory.

The U.S. could—in this context—help bring about a political solution. But first, the Administration would have to reduce its military commitment so that the most barbarous elements of the Salvadoran army would be purged. It does not. It apparently will not. Unless we in Congress do, the killings and the war will continue. And, eventually, the government will fall, and a new government will emerge which is anti-American.

By not cutting arms sales now, we hurt our own future national interests.

If the United States has any claim at moral leadership in the world, it must draw the line and say:

"We do not support tortures and governments that engage in these heinous practices."

#### 4. UNILATERAL AND MULTILATERAL STEPS TO STOP THE ARMS RACE IN THE THIRD WORLD

Arms transfers can be reduced and reduced substantially. The need is more urgent than ever. Debt among Third World governments is growing greater and greater. Unrest because of poverty, disease and repression is also increasing. And still Third World military budgets rise, when the priority should be on development.

The first step is for the U.S. to unilaterally make reductions. There is no national interest so compelling that we need to sell arms to any authoritarian government in Latin America, Africa, or Asia.

Democracies in these regions should be eligible for modest sales, but not those which would fuel regional arms races. Certainly, the U.S. should never introduce new weapons—new kinds of weapons—into a region where they are not yet in use. Certainly, our embassies in these regions should not be helping U.S. arms peddlers.

The second step is to coordinate with our allies. The U.S. and its allies outsold Communist nations by an almost five to three ratio in 1980 . . . \$25 billion versus \$16 billion. France and England and increasingly Germany and Israel are also major arms merchants.

In many cases, in the 1970's it was France who sold countries planes when the U.S. would not. And Israel replaced the United States as the major seller of small arms to dictatorships in Latin America.

Truly, there is a problem.

Our allies have been willing to sell when we have not. Both France and Israel, in particular, but also Britain and Germany see arms sales as a major mainstay of their economies.

Do we have leverage?

I believe we do.

It is moral leverage and could be military.

It is the leverage that comes when we recognize and then say to the world that it is wrong to provide arms to governments guilty of massive human rights violations. It is wrong to sell governments arms when their true needs are rapid economic and social development.

But we can not say this quietly.

American leadership must capture the imagination of the people and the world.

This is what we can do, ourselves. That is what we can do with our allies. But we must also return to the conventional Arms Transfer Talks with the Soviet Union. Those talks broke down in 1979 . . . not because of the Soviet Union, but because of the United States.

The Carter Administration unilaterally tried to prevent the talks from including the

Middle East or Northeast Asia (China). The Carter Administration put our short-term advantage above the long-term interests of our country and the world.

There can be no higher priority than stopping arms races in the Third World. There can be no higher priority than getting the armies of the Third World to return to the barracks and allow civilians to rule. There can be no higher priority than getting Third World countries to concentrate on development, not armaments.

The United States should return immediately to the CAT talks. We should place no limits on what is to be discussed. If the United States, the Soviet Union, Britain and France can agree to limit arms transfers and limit them dramatically, governments in the Third World will have few other places to buy.

Their armies and our arms merchants will be the losers.

But everyone else will win.●

#### LUKEN-LEE AMENDMENT

#### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ROSENTHAL. Mr. Speaker, I am greatly disturbed by the Luken-Lee amendment to exempt State-regulated professionals from the purview of the Federal Trade Commission. The FTC is charged with enforcing laws against unfair methods of competition and unfair or deceptive acts or practices. These laws are designed to insure free and honest competition in all sectors of our economy. To exempt one sector—and an exceptionally important one at that—is to undermine our regulatory system and our protection of the public interest.

The Luken-Lee amendment is not regulatory reform, it is quite simply special-interest legislation. It would shelter a select group from the anti-trust and consumer-protection laws enforced by the FTC. It would inhibit competition, stifle innovation, and lessen the availability of choices for the consumer. Adoption of the amendment would serve as a significant precedent and an invitation for other special-interest efforts to seek similar antitrust exemptions.

The argument that the professions can be effectively regulated at the State level is belied by the past record of the State agencies. State boards are generally dominated by professionals regulating themselves. They have taken few, if any, steps to prevent anticonsumer, anticompetitive restrictions. Their work has traditionally focused on establishing education and licensing standards. The role of the FTC, on the other hand, does not interfere with legitimate State controls over professional qualifications and ethics. Rather, the FTC is empowered with the responsibility to monitor the way professionals compete and conduct their business. When their

competitive practices result in illegal activity, that activity is and should be subjected to FTC scrutiny and law enforcement action.

Probably the best demonstration of the adequacy of the FTC role in this area is that many State-regulated professions oppose the proposed exemption. The committee on consumer affairs of the Bar Association of New York City has publicly stated that "carving out certain areas of the economy from Commission scrutiny would be dangerous" and serve only to fuel "the fire of those who feel that the FTC's jurisdiction can be expanded or contracted depending on the extent of congressional lobbying efforts by special interest groups."

The greatest opposition, on the other hand, comes from within the medical profession. No one disputes the critical importance of health care professionals, but we must not ignore the fact that health care is also big business. It constitutes a staggering 10 percent of our gross national product and is arguably the single most lucrative segment of our economy. Much of this cost can be directly attributed to the protectionism of the trade. Through boycotts, price fixing, and restraints on advertising, doctors have prevented free and open competition. To deny the FTC its proper role in monitoring the health care industry is to give in to ever-increasing health care costs and to the restrictive, protective practices of the medical community.

The Luken-Lee amendment is both anticonsumer and antithetical to the public interest. It will greatly curtail FTC jurisdiction and its authority to fulfill its mandate of consumer protection. If we are serious in our intentions to curb the economy, protect our consumers, and apply our laws fairly, we must reject the Luken-Lee amendment to exempt professionals from FTC jurisdiction.●

#### HANDICAPPED EDUCATION REMAINS IN JEOPARDY—REGULATIONS STILL IN QUESTION

#### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, advocates, parents, and teachers of the handicapped have good cause to remain concerned about the future of handicapped education under Public Law 94-142, the Education of the Handicapped Act. Proposed regulations, issued by the Department of Education on August 6, 1982, would dramatically change the current structure of and delivery of services under this program. To date, the comment period is nearing a close and we have

witnessed very little hard evidence from the Secretary that he agrees with the overwhelming number of comments put forth on these rules. Those comments, very simply, state that these proposed regulations are unacceptable and should be withdrawn.

As one of the original authors of Public Law 94-142, I remain steadfast in my commitment to the education of handicapped children through this program. As a member of the House Education and Labor Committee where this program began, I have witnessed the number of children served grow to nearly 4 million per year in the 5 years the Public Law 94-142 has been in place. To be sure, there have been problems along the way, but essentially, this program remains a landmark piece of legislation which provides an educational right to all eligible children, regardless of their handicap or their resources.

In order to send a clear signal to the Education Department on the importance of the program as it currently operates, I introduced House Resolution 558 which urges that the proposed regulations be rejected in their present form. During 3 days of hearings on these regulations, our subcommittee heard overwhelming testimony from parents and students, teachers and school administrators, who have underscored the importance of the law to them and the consequences of adopting changes such as those proposed in the regulations.

On September 29, the Secretary of Education came before the Education and Labor Committee and announced that he was withdrawing six sections of the regulations. These are sections which cover timetables for evaluation and placement of children, qualifications of personnel, definitions of least restrictive environment and related services, parental consent, and attendance of evaluation personnel at IEP meetings. While this announcement was met with support from both committee members and representatives from the community, there has been no commitment to existing law. Under questioning, Secretary Bell refused to state that revised regulations would not be published, as well as refused the opportunity to withdraw the entire package and resubmit a second set of proposals for public comment. He further stated that final regulations could be published as early as the beginning of 1983 that could include technical changes.

While the committee lauds the decision of the Secretary to withdraw the major objectionable portions of the law, there is still need for passage of House Resolution 558. After the subcommittee meeting, the Education and Labor Committee adopted this resolution with the requirement that it be taken up on the House floor at the

earliest possible date. In the absence of clarification of what the Education Department actually means to do with Public Laws 94-142, it is essential that this resolution be passed as soon as possible. It enjoys the support of 110 Members of Congress and countless of parents groups and their advocates across the country. While subsequent regulations could be published prior to the close of the comment period on Election Day—November 2—it is possible that the door could shut for further comment by then given the demonstrated lack of commitment by this administration to the present program.

I have also been joined by colleagues on the Select Education Subcommittee in sending our comments to Secretary Bell on the proposed regulations. Our comments reflect the input that we have received from 3 days of hearings in September as well as countless letters we received from people across the country. Their message was clear—do not change a program which has just been in place for 5 years and is working. The best testimony that I can provide to the effectiveness of Public Laws 94-142 is that of a young man who came before our subcommittee to tell his own story of how valuable this law was to him. For the record, I would like to insert his testimony and commend it to the attention of my colleagues and proof positive that this is one program we can ill afford to lose—or change.

#### TESTIMONY OF TIMOTHY GRAHAM

My name is Timothy Graham. I am eighteen years old. I live at 2057 Bragg Street in Brooklyn, New York. I am one of six children. Since the 4th grade I have known that I am severely learning disabled by developmental dyslexia. Last June I graduated from Edward R. Murrow High School which is an educational option school in New York City specializing in theatre and television arts. It also has an excellent program for handicapped students. I have come here today to tell you that I was able to graduate because of P.L. 94-142, and to urge you to keep that law and its present regulations intact.

I started school at my neighborhood parochial school in 1971. Right away I had trouble learning to read, spell and write, even though I wanted to learn and my parents made every effort to help me. In September 1973 when I was in the third grade my mother transferred me to public school because I was so unhappy at my inability to keep up in school. After three weeks in the public school the teachers told my mother they thought I was learning disabled. They recommended I be tested at a clinic. At that time there were no evaluation services available in the public schools. I was evaluated by an outside clinic which told my mother that my learning problems were due to dyslexia, and not any intellectual limitations.

However in 1973 the school system did not have any programs for learning disabled students. I continued to fail in most of my studies at school even though I could understand the content of the academic material, because I could not read. I was retained in fifth grade, because the school authorities thought I would have even more trouble in

a large junior high school. Since there was no appropriate program for me they transferred me to another elementary school. That school tried to help me in their reading lab, but it was not designed for students with disabilities like mine.

During the second year I was in fifth grade, my mother was advised to have me tested by the new evaluation units which the school system had set up. It took months to get the evaluation and in June 1976, the school's evaluation team agreed that I was learning disabled. They recommended a placement for me in a class for brain injured children because there were no services for students with my handicap. The program was in a school an hour away from my home. I had to take a subway and a bus to get there. My mother received no explanation of the recommendation and was not told of any other services or alternatives.

Although my parents thought this was the wrong program for me they placed me in the class, because there was no other choice. No one told my mother that she had a right to appeal this recommendation. However, a friend explained to her that she might get legal help at Advocates for Children. They wrote to the Board of Education in September of 1976 appealing my placement in the special class. Because the Board of Education had not yet set up procedures for hearings it took 9 months before a hearing was scheduled.

Meanwhile I went to the 7th grade special education class, where the work was on a third grade level. All of the other students in the class had serious emotional problems. The teacher, who could not cope with these students, treated me as an aide. I was given no opportunities to participate in the mainstream of the school. Because the school was not in my neighborhood I made no friends. Finally when I was hit by the teacher because of another student's misbehavior, my mother decided to keep me home. No one in the school system investigated why I was not attending school.

In June of 1977, the hearing was finally held. The hearing officer found that the special class placement was inappropriate to meet my needs. He recommended that the Board of Education establish a program for me and other learning disabled students in New York City. However at that time under New York State law, his decision was only advisory and the Board of Education chose not to create a program. In the fall of 1977 I went to the eighth grade at my neighborhood school and was given only reading lab services again. I learned nothing.

My lawyers appealed to the Commissioner of Education and finally the Board of Education agreed to start a resource room program for learning disabled students. A teacher was assigned for me in April of 1978. As part of my lawyer's agreement with the Board a resource room program was set for me and other learning disabled students in Edward R. Murrow High School in September of 1978.

For the first time I was given the help I needed. My major problem in high school was that I was not academically prepared, since my last real experience in regular classes was in fifth grade. However with resource room help, I was able to catch up in my subjects. The resource room teacher used oral methods to communicate material to me and helped me learn to compensate for my reading difficulties. My reading level went from third to seventh grade, and I learned to use my other intellectual

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strengths to cope with my reading limitations.

This June I graduated in the top third of my class having passed all the competency tests. At Murrow, I participated in extracurricular activities and received an award at graduation from the technical theater department for outstanding work. This was

the first school I was in long enough to make friends.

I have just taken the New York City fire fighter's exam. I am working for my father at his restaurant and bar to save money to go to college. I am investigating colleges which have programs for students with dyslexia.

My experience took place when P.L. 94-142 was very new. It took too long for me to get appropriate educational services. However, as a result of my case and others there is now a functioning due process system in New York and resource room programs have been created which serve 20,000 students. None of this would have happened without P.L. 94-142.●